

EXECUTIVE SESSION  
COMMITTEE ON THE JUDICIARY,  
JOINT WITH THE  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: LORETTA LYNCH

Wednesday, December 19, 2018

Washington, D.C.

The interview in the above matter was held in Room 2141, Rayburn House Office Building, commencing at 10:17 a.m.

Members Present: Representatives Goodlatte, Issa, Jordan, Biggs, Nadler, Cummings, Jackson Lee, Cohen, Raskin, Demings, Krishnamoorthi, and Connolly.

Chairman Goodlatte. We'll go on the record. This is a transcribed interview of Loretta Lynch.

Chairman Gowdy and I requested this interview as part of a joint investigation by the House Committee on the Judiciary and the House Committee on Oversight and Government Reform into decisions made and not made by the Department of Justice and the Federal Bureau of Investigation regarding the 2016 Presidential election.

Would the witness please state her name for the record?

Ms. Lynch. Good morning, Mr. Chairman. Loretta Lynch.

Chairman Goodlatte. I want to thank you for appearing today, and we appreciate your willingness to appear voluntarily.

My name is Bob Goodlatte, chairman of the Judiciary Committee.

I will now ask everyone else who is here in the room, other than Ms. Lynch's personal counsel, who we will get to in a moment, to introduce themselves for the record.

Mr. Parmiter. Good morning. I am Robert Parmiter from the Judiciary Committee, majority staff.

Mr. Biggs. Andy Biggs, Arizona, Republican.

Mr. Jordan. Jim Jordan.

Mr. Lasseter. David Lasseter, Department of Justice.

Mr. Weinsheimer. Brad Weinsheimer with the Department of Justice.

Mr. Baker. Arthur Baker, counsel for the House Judiciary

Committee, majority staff.

Mr. Somers. Zach Somers, House Judiciary, majority.

Mr. Breitenbach. Ryan Breitenbach, House Judiciary, majority.

Mr. Nadler. Jerrold Nadler, Ranking Member.

Ms. Jackson Lee. Sheila Jackson Lee, House Judiciary Committee.

Ms. Hariharan. Arya Hariharan, House Judiciary, minority.

Ms. Shen. Valerie Shen, House Oversight and Government Reform, majority.

Mr. Kim. Janet Kim, House Oversight and Government Reform, Democrats.

Mr. Morgan. Matt Morgan, House Judiciary Committee, minority staff.

Mr. Emmons. Will Emmons, House Judiciary staff.

Ms. Cole. Molly Cole.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, House Oversight Committee, Democrat.

Mr. Krishnamoorthi. Raja Krishnamoorthi.

Mr. Buddharaju. Anudeep Buddharaju, House Oversight, majority.

Mr. Ventura. Christopher Ventura, House Judiciary Committee, Republicans.

Mr. Castor. Steve Castor, Oversight and Government Reform, majority.

Ms. Green. Meghan Green, House Oversight, majority.

Mr. Brebbia. Sean Brebbia, House Oversight, majority.

Ms. Greene. Emily Greene.

Chairman Goodlatte. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'd like to go over.

Our questioning will proceed in rounds. The majority will ask questions for an hour, and then the minority will have an opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take a break apart from that, please let us know and we will also take a break for lunch at the appropriate point.

As I noted earlier, you are appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses.

As you can see, there is an official reporter taking down everything that is said to make a written record, so we ask that you give verbal responses to all questions.

Do you understand that?

Ms. Lynch. Yes. Thank you, Mr. Chairman.

Chairman Goodlatte. So that the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each other, if we can help it.

Both committees encourage witnesses who appear for transcribed interviews to freely consult with counsel, if they so choose, and you

are appearing today with counsel.

Could you -- could counsel please state your name for the record?

Mr. Wells. My name is Ted Wells. I am at the law firm of Paul, Weiss.

Mr. Tarlowe. Richard Tarlowe, also from Paul, Weiss.

Mr. Lerer. Justin Lerer, also from Paul, Weiss.

Chairman Goodlatte. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time.

If you have any questions or if you do not understand one of our questions, please let us know. And if you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection. And it is okay to tell us if you learned information from someone else.

If there are things you don't know or can't remember, say so and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

Ms. Lynch, you should also understand that although this interview is not under oath, you are required by law to answer questions from Congress truthfully. Do you understand that?

Ms. Lynch. Yes. Thank you, Mr. Chairman.

Chairman Goodlatte. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Ms. Lynch. Yes, thank you.

Chairman Goodlatte. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for

making false statements. Do you understand this?

Ms. Lynch. Yes. Thank you.

Chairman Goodlatte. Is there any reason you are unable to provide truthful answers to today's questions?

Ms. Lynch. No.

Chairman Goodlatte. So that's the end of my preamble. Do you have any questions before with we begin?

Ms. Lynch. No. Thank you, Mr. Chairman.

Chairman Goodlatte. The time is now 10:22, and we will start with the first round of questions.

#### EXAMINATION

BY MR. SOMERS:

Q Ms. Lynch, I'd just like to start with some very basic questions, mainly about your knowledge and your role in both the Midyear Exam investigation and the Crossfire Hurricane investigation after that.

So I think, you know, the very basic question is, when did you learn that the FBI had an open investigation into Hillary Clinton's use of a private email server?

A I first learned of the issue in the summer of 2015, and I believe it was the month of July.

I was informed that the Department of Justice had received a referral from the State Department inspector general, that because there were issues with how classified information may have been transmitted and the people who were involved in that were no longer

with the State Department, they were referring it to the Department of Justice because they didn't have the jurisdiction to deal with former employees.

It was my understanding that the State Department will be looking at their own procedures. It would be sort of a two-step process. And as I said, my recollection is it was in July of 2015, but I can't be more specific as to when in that month.

Q And just to be specific, when you learned about what you just described, was the investigation open or was it, like, officially opened by the FBI, or were you learning it slightly before it was officially opened?

A You know, I wouldn't know the official opening date as in when did the computer assign a number to it, because that's what happens when you open a case. Whether it's the FBI or a U.S. Attorney's Office, there's an official -- you know, you open something in a computer, it's assigned a number, and the computer generates these names.

So that date wouldn't have been brought to my attention, but I was aware of the referral and I knew that it was certainly something that the Department would be looking into.

Q Who brought it to your attention?

A I don't recall specifically whether it was in my morning meeting of my staff or whether it was in the security meeting that I had with the Director and Deputy Director. Between those two meetings, I don't recall.

Q Okay. And what were you told specifically that the FBI was

going to be -- oh, you can't? I'm sorry.

A You were saying?

Q I was asking you specifically what you were told the FBI was going to be looking into.

A You know, I wouldn't be told in a breakdown of the FBI would be looking into one thing and somebody else would be looking into another. What I would be told at my level was that the Department had received a referral from the inspector general of the State Department, that we, collectively, would be looking into the matter of how classified information may have been handled, whether there were any issues resulting from that.

So at the level of the Attorney General, I was informed, as I mentioned, of the referral, that we'd be looking into it, and certainly I knew from that that it was going to be something that would take some time and would be fairly sensitive.

Q All right. So you were informed about the opening of the investigation. And then beyond this initial time you're told about it, is this something you're regularly updated on, I mean, or is it something that falls off your radar?

A Well, you're referring to the email investigation?

Q Yes, the email investigation.

A Because it was an investigation that was going to be handled, in terms of the Department components, through our National Security Division, I would have been briefed on it with my regular meetings with them. There were a certain category of cases, and this was included



in them, that were briefed at a sensitive level.

So, typically, I would meet once a month with the National Security Division. We would discuss a wide range of topics: cases, investigations, policy issues. And then, if we had to discuss a sensitive matter, such as this one, we would streamline that meeting, because it was not something that was in the normal course of discourse because of its sensitivity.

Those meetings took place once a month. Because of my travel schedule, I would not say it was on a monthly basis evenly all the time. And certainly, if there were other issues that came up to the forefront that I needed to be briefed on, I would be briefed separately about a specific issue.

Q And who is doing these briefings?

A At the time, John Carlin was the head of the National Security Division. He ultimately left the Department, but I think that may have been after the investigation was resolved. John would run the National Security Division briefings to myself and the Deputy Attorney General on a wide range of topics. Mary McCord was the Deputy at that time. She was typically present. George Toscas was the attorney who was directly supervising the team of lawyers from NSD, and then ultimately AUSAs from the Eastern District of Virginia.

For specifics, often George Toscas would be the person providing specific information. For a more general summary, sometimes it would be -- I can't recall if it was Mary or John, to be honest with you, who would provide summaries more often than not.

Q And you mentioned AUSAs from the Eastern District of Virginia. Just to be clear, they were in these briefings or they were on the team? I wasn't clear.

A They were on the team, but not in the briefings.

Q And then what about FBI? Did you hear directly from FBI during the course of the investigation?

A I heard from the FBI minimally during the course of the investigation. They wouldn't have come TO -- the agents wouldn't have come directly to me, because I was not working directly on the case. They would report up to their supervisors.

There were occasional issues that were brought to my attention, typically by the Deputy Director. At one point, I recall, he brought to my attention an issue. There had been some press report about the size of the investigative team that was inaccurate. And because I would receive those press reports also, I recall Deputy Director McCabe correcting that for me, letting me know that that was inaccurate and they didn't know how that press report had come about.

So those were the types of discussions I would have with the FBI about the investigation.

Q You mentioned Deputy Director McCabe. Did you have any conversations with Director Comey?

A I would see the Director pretty much --

Q I mean about Midyear Exam. Obviously, you spoke with the Director.

A Yes. I think that I spoke more to the Deputy Director, and,

again, it was minimally. It was about the issues such as the one that I mentioned. I don't recall having a debriefing with him until the very end of the investigation when it was the whole team together.

Q And when was that? What are you calling the very end of the investigation?

A In July of 2016.

Q July. Okay.

Did you discuss around that time -- I'm sorry, this meeting or briefing that you had, was Director Comey in that meeting or briefing?

A Well, this is the meeting when the entire team briefed me on their ultimate recommendation. So Director Comey was in the meeting.

Q Okay. So the entire team. That's DOJ and that's FBI?

A DOJ, FBI, as well as staff from my office and the Office of the Deputy Attorney General.

Q Okay.

A As well as the Deputy Attorney General.

Q All right. So in terms of your supervision of the investigation, it was more of a -- you just received updates, you don't believe you directly, in any way, supervised the investigation?

A Well, I was not the direct line supervisor. There were supervisory prosecutors -- there was a supervisory prosecutor who was essentially supervising the legal work.

Q No, I mean --

A Then George Toscas was supervising the legal team. NSD were

supervising it. Things were reported up to the Deputy Attorney General and, ultimately, to me.

Q I guess my question is, things being reported to you, briefing, versus you giving instruction back down. Were you giving any instructions back down to any of those people in the chain?

A No, I wasn't asked for instruction in the sense that someone came to me with a question of, what should we do with a particular investigative technique? That's something that would not rise to the level of the Attorney General.

The one time that I recall giving instruction was when there was a potential litigation involving the team's attempts to secure some additional laptops in the spring of 2016. They had -- and I don't recall how they had learned of the laptops -- but the witnesses involved had counsel who was, I think, fairly new to the case, but the counsel was a former prosecutor and was someone that I knew.

The counsel, my understanding was, was talking about litigating the matter. The team wanted me to be aware that there was potential litigation about this. But we talked about it from a strategy point of view, and I gave them my views from working with this particular lawyer, and I gave my views on the best way to handle the situation. And I believe that the supervisors folded those in.

I didn't go back and say, "Did you do what I said?" But we talked about it in a sense of how to handle the situation, the best and the most efficient way to obtain access to the evidence that we needed. And to my understanding, they actually did obtain that evidence fairly

quickly.

Q Okay. And you just spoke about the briefing at the end of the investigation. Did that briefing occur before or after Mr. Comey's July 5th press conference where he publicly announced the FBI's findings?

A It was afterwards.

Q After that. So what was discussed in this briefing?

A You're referring now to the final case briefing?

Q The final -- yeah, the final case briefing.

A This was the briefing that I had anticipated for some time. And essentially, the lawyers who had been working on the case had prepared a memorandum outlining the relevant facts, the initial issues from the referral that we just spoke about, from the nature and the course of the investigation, the steps that were taken, the types and number of interviews that were done, the types and the numbers of documents that were reviewed, the issues that they had generated. Essentially, the entire structure of the investigation, the issues that they looked at, the statutes that they looked at, the standards.

And then they went through, essentially, all the issues they had identified. It was a very, very thorough, almost chronology of their work. And they ultimately provided me their recommendation.

Q And that recommendation was consistent with the July 5th press conference that Mr. Comey gave, not to --

A Well, to the extent that the FBI's recommendation had been that they had outlined their investigative steps and their

recommendation that they didn't see, within the panoply of people, they were not recommending charges be brought against that group, the prosecution team made the same recommendation.

So, ultimately, the recommendation that I received from the team was unanimous.

Q Okay. And then, so you had the briefing, that occurred after the July 5th press announcement.

Did you discuss the July 5th press announcement with Director Comey before it was given?

A No. Before the briefing --

Q I'm sorry, before he gave --

A Neither before the briefing nor his announcement. Sorry.

Q Okay. Did you discuss with Director Comey his July 5th press announcement prior to Director Comey giving his July 5th press announcement?

A No, I wasn't aware of it until the morning of when he called you.

Q So he called you before he gave it?

A He called me before he gave it. And I believe he called others. I was on the line for those calls. But I was not aware of it until that morning when he called and indicated he would be making a press announcement about the investigation. But it was not to the extent of letting me know that it would be his recommendation ultimately.

Q And he didn't ask for your permission to give this press

statement during that call?

A No. No, he indicated that he was only going to be talking about the investigation. And based upon my prior knowledge of positions he had taken, he had indicated he was not interested in participating in an ultimate recommendation announcement.

He did not want to consult with me on the specifics of what he was going to say, because I did ask, and he indicated in words or substance, I don't recall the exact words, that he thought it would be better if we had not coordinated it, but that his announcement was going to be about the investigation. I don't recall if he used the term "Midyear" or not, but the email investigation.

Q So, ultimately, you get the recommendation, no charges, no prosecution -- no charges from the FBI, no prosecution from DOJ. Obviously, you concurred in that recommendation?

A I asked a number of questions during the briefing, as did other people in the room. I always encourage people to raise issues and to ask questions. I asked questions of the team about the statutes it identified. It's always a concern as to whether or not any of the witnesses have been less than candid, less than truthful at any point in the investigation or that they took any obstructive steps. And we had a full discussion about that.

We also discussed -- again, by going around the room and having everyone's input -- their views on whether or not this was a group of people that should be charged in any way.

And as I indicated before, the recommendation was unanimous that

the elements of the various statutes that were being discussed had not been met and it was not a case that the Department would bring.

Q And did you have to do anything formal at that point? I mean, obviously, the DOJ and the FBI don't bring cases all the time and the Attorney General doesn't sign off on that. Did you do anything formal in sort of solidifying the recommendation that Hillary Clinton wasn't to be charged or prosecuted?

A Well, we had been talking about how to best announce that publicly. At that point, after we had had our team meeting and recommendation, we decided to issue a short written statement indicating that I had received and accepted the unanimous recommendation of the team that no charges would be brought. And, again, you've mentioned, for example, that Hillary Clinton would not be charged, but it was the entire group of people who were under consideration.

Q And I did want to just kind of keep it basic, but I did want to kind of jump to this while we're on it, because we've been calling this an investigation. I know, I'm sure your familiar with some discussion of whether you ever instructed Director Comey to call the Midyear Exam investigation a matter.

Are you familiar with his -- I think he's testified to this -- that you instructed, I believe in September of 2015, Director Comey to call the Midyear Exam investigation a matter?

A I heard his testimony on it and that was the first time that he had ever indicated to me, in my understanding -- he may have told



others -- that he had that impression of our conversation.

Q So you do not believe you ever instructed him to call it a matter?

A I did not. I have never instructed a witness as to what to say specifically. Never have, never will.

In the meeting that I had with the Director, we were discussing how best to keep Congress informed of progress and discuss requesting resources for the Department overall. We were going to testify separately.

And the concern that both of us had in the meeting that I was having with him in September of 2015 was how to have that discussion without stepping across the Department policy of confirming or denying an investigation, separate policy from testifying.

Obviously, we wanted to testify fully, fulsomely, and provide the information that was needed, but we were not at that point, in September of 2015, ready to confirm that there was an investigation into the email matter -- or deny it. We were sticking with policy, and that was my position on that.

I didn't direct anyone to use specific phraseology. When the Director asked me how to best to handle that, I said: What I have been saying is we have received a referral and we are working on the matter, working on the issue, or we have all the resources we need to handle the matter, handle the issue. So that was the suggestion that I made to him.

Q So you were basically surprised when you learned that he had

said that you instructed him to call this a matter.

A I was quite surprised that he characterized it in that way. We did have a conversation about it, so I wasn't surprised that he remembered that we met about it and talked about it. But I was quite surprised that that was his characterization of it, because that was not how it was conveyed to him, certainly not how it was intended.

Mr. Jordan. Excuse me. Ms. Lynch, so in the meeting with the FBI Director you referred to the Clinton investigation as a matter -- I just want to make sure I understand -- but you did not instruct the Director when he testified in front of Congress to call it a matter. Is that accurate?

Ms. Lynch. I said that I had been referring to -- I had been using the phraseology: We've received a referral. Because we received a public referral, which we were confirming. And that is Department policy, that when we receive a public referral from any agency, that we confirm the referral but we neither confirm nor deny the investigation. That's actually a standard DOJ policy.

Mr. Jordan. I understand all that.

Mr. Lynch. So in the meeting with the Director, which was, again, around September -- I don't recall the date -- of 2015, it was very early in the investigation, I expressed the view that it was, in my opinion, too early for us to confirm that we had an investigation.

At some point in the course of investigations, as you all know from your oversight, it becomes such common knowledge that we talk about it using the language of investigation and things, but at that point

we had not done that and we were not confirming or denying it. We weren't denying it at all. There was, just essentially, in my view, we were following the policy.

And when the Director asked me about my thoughts, I said, yes, we had to be -- we had to be completely cooperative and fulsome with Congress for both of us, and that we needed to provide as much information as we could on the issue of resources.

We anticipated questions about budget, what resources we had or that we needed, and that we could have that discussion in the context of handling the referral that we had received without going into the nature of the investigation or the terms of the investigation or the subjects of the investigation at that time.

Mr. Jordan. Thank you.

BY MR. SOMERS:

Q Okay. So the Midyear Exam investigation opens in roughly September of 2015 -- or, I'm sorry, you said the summer of 2015?

A I believe it was -- I believe it was late July, but I don't know specifically when.

Q And ends, at least for the most part -- I mean, it was reopened, I think, briefly in October -- in July of 2016. Were you comfortable with the pace of the investigation?

A As it was reported to me, I was. It was certainly my understanding that a great deal of forensic work was being done. It was certainly my understanding that numbers of witnesses were being interviewed. And it was certainly my understanding that documents

were being reviewed and that, because we were dealing with electronic data, the volume of documents was high.

I certainly can't recall specifically right now what that volume was or if I was ever given a number during the investigation. As I mentioned, in the spring of 2016, when the issue of additional electronic devices was brought to my attention, I certainly was aware that by then electronic devices had been reviewed, that the investigation had been moving very, very steadily.

Q Was there any deadline on concluding the investigation?

A No, you can never place a deadline on concluding an investigation because you don't know what's going to develop throughout. But certainly everyone was aware of the need to work expeditiously and essentially make sure that we gathered all the evidence that we needed to.

BY MR. BREITENBACH:

Q Ma'am, real quick, going back to the matter --

A I'm not sure I can hear you, actually.

Q Going back to the discussion on what seems to be a dichotomy or nearly a polar opposite between what you say, that you did not call the investigation a matter, and former Director Comey saying you did. Can you explain a little bit of your understanding why this difference of opinion might exist?

A Well, I'm not sure I understand your question. I did say I have been saying in other contexts we've received a referral and we're handling the matter or we're looking into the matter. So, yes, I've

used that term and used it in my meeting with the Director. You had said that I didn't use that term at all.

Q But in terms of the feeling that Director Comey has indicated that you called it a matter for a particular purpose, what is your testimony today that your -- the intent behind calling it a matter?

A Well, as I've indicated before, there's a specific Department policy that relates to public referrals that we receive. Because, typically, we don't confirm or deny investigations or cases until there's a public filing unless there are exceptions, like the affirmative work that we do.

But if we have a public referral, we confirm the existence of the referral that comes from someone else, and we had done so in this case. We had confirmed that we had received the referral from the State Department inspector general. But our guidance also is we do not confirm or deny an investigation flowing from that.

So I had been essentially, when asked about it at that point -- and it was still very early. This is the first few weeks, maybe 8 weeks or so into the investigation. I was simply saying, if I was getting a press inquiry, we've received a referral and we are either devoting resources to the matter or working into the matter or we're looking into it. I was using that phraseology.

Q This rose to -- this seems to have risen to such a concern for the former Director that he has indicated that it was in part one of the reasons why he took the decision from you in announcing on July 5th the final decision.

When he called you that morning, did he indicate to you that this was one of the reasons why he was going to be going public?

A No. And when he called me that morning he --

Q "This," meaning the fact that he believed you had called it a matter.

A When he called me the morning in July -- I believe July 5th is the relevant date --

Q Right.

A -- he did not indicate to me that he was going to be making an announcement that went to the ultimate issue of how the case should be handled. He only indicated he was going to be talking about the investigation. And I took that to mean the FBI was finishing up. And he never raised with me any concerns from our meeting of September of 2015.

Mr. Jordan. Ms. Lynch, so in Mr. Comey's book he says this: Comey quoted you as saying, "Call it a matter."

He responded, "Why would I do that?"

"'Just call it a matter,' she snapped back."

Is that accurate?

Ms. Lynch. I haven't read his book, so I can't say if that's in there or not.

Mr. Jordan. I'm reading directly from his book.

He said call it a matter -- or you said, "Call it a matter."

His response was, "Why would I do that?"

He said you snapped back with, "Just call it a matter."

Is that accurate?

Ms. Lynch. Well, again, leaving aside whether it's in the book or not, that's not my recollection of the meeting. But I can't explain to you why he remembers it that way.

Mr. Jordan. Okay. He said this in his book.

"The Attorney General seemed to be directing me to align me with the Clinton campaign strategy," he wrote, adding caustically that, quote, "The FBI didn't do matters."

Is that true? Were you trying to align him with the Clinton campaign strategy?

Ms. Lynch. I wasn't aware of the Clinton campaign strategy on anything. I had never --

Mr. Jordan. So you weren't trying to align anybody with the Clinton campaign strategy?

Ms. Lynch. I was not trying to align anyone on any issue with a campaign strategy in this case or any other.

Mr. Jordan. Okay. Thank you.

BY MR. SOMERS:

Q So I think Director Comey sort of outlined three reasons why for his public statement.

One is the matter. I think there's, obviously, there's a dispute as to whether that ever occurred, or a misunderstanding between you and Director Comey as to whether that ever occurred.

The second factor, I believe, that he's outlined in why he made the press statement was the -- this is dubbed the tarmac meeting between

you and former President Clinton. And I think, you know, I'd like to discuss that a little bit.

Could you take us back and, you know, let us know, why were you in Phoenix, Arizona, on June 27th, 2016?

A I was in the middle of a multi-city police tour. I was focusing on issues of law enforcement and community relations throughout my tenure as Attorney General. And I had started my tenure in 2015 and early 2016 with visiting six cities that were having very difficult relationships with police and community and focusing on sharing guidance that the Department had developed in ways to improve that, as well as connecting them with police departments around the country that were working on similar issues.

We were also trying to highlight the importance of connecting law enforcement and the community.

In 2016, I was continuing my law enforcement tour, and this time I was focusing on jurisdictions that were working on implementing several of the pillars of the 21st Century Task Force on Policing.

So I was visiting cities that were, in my view and in the Department's view, positive examples of community policing, of, in the case of Phoenix where I was when I saw President Clinton, of training and de-escalation tactics. In the case of Los Angeles, where I went after that, in using social media and connecting law enforcement and the community.

And these were communities that had seen both crime reduction from general police tactics, but also a greatly improved relationship



between law enforcement and the community. Phoenix, in particular, has, and I believe still has, an excellent training program in de-escalation techniques, and they focus on things like emotionally disturbed people, they focus on trauma, they focus on de-escalating situations.

And certainly in the summer of 2016 we had seen a number of incidents that had gone viral through the nature of ubiquitous cell phones where, sadly, law enforcement and community relations were not just deteriorating, but had led to loss of life. We had civilians who had lost their lives at the hands of police officers. We had police officers who were also being shot down.

That was a priority of mine.

Q Phoenix was a stop on this effort?

A Yes.

Q And I assume, but just for the record, you didn't know President Clinton was in Phoenix at the airport?

A No.

Q So tell me what happens. You're on a plane, a private plane or an FBI plane?

A Well, the Attorney General flies with a security detail. And so we usually use an FBI small aircraft. And we flew from Washington to Phoenix in the early evening hours. I think we got in several hours late for some reason or another.

So we got in fairly, I would say, maybe early to mid-evening, between 7 and 8 o'clock in the evening in Phoenix. It was in the

summertime so it was still fairly bright outside. It was still quite warm outside. People were commenting on that.

We flew in, we were preparing to deplane. The procedure was to deplane in a series, with my staff first, with security detail first, my staff, and then I would leave and go immediately to the car. We'd go to the hotel, meet, prepare for the next day, and then meet with the police department.

Q And so how does that get communicated to you that, you know, hey, former President Clinton wants to talk to you?

A I was getting ready to leave the plane. My husband was traveling with me on that occasion, so we were walking to the door of the plane.

As we walked to the door, the head of my security detail came to me and said: Ma'am, I've been informed -- he didn't say by whom, but I assumed by another member of the detail -- that former President Clinton is also at the airfield and would like to say hello.

Q Okay. And how long between this, you know, he informs you, the head of your security detail informs you President Clinton wants to meet with you, and eventually you meet with President Clinton? What type of time lapse are we talking about here between those two events?

A Well, he didn't say that he wanted to meet with me. It was nothing as formal as that. It was President Clinton would like to say hello to you. And it was really a few seconds. I wouldn't call it a full minute.

And President Clinton was -- former President Clinton was

standing in the doorway of the plane. Whether he was behind my security officer when he made that statement, I couldn't say, because I couldn't see outside the plane. So I hadn't seen him walk up.

Q Okay. So he was pretty much there when you --

A Very quickly.

Q Very quickly. How long did the conversation you had with President Clinton, how long was that conversation?

A My conversation with him was probably a little under 10 minutes. His conversation with others took a bit longer.

And so when President Clinton stepped onto the plane, I said hello to him, shook hands, introduced him to my husband. They'd never met. I had met former President Clinton maybe two or three times before in the course of my career.

And then he stepped into the plane. My husband and I were standing up because we were about to leave. And President Clinton said hello to my security detail officer, shook his hand, and then stepped toward the back of the plane.

There were two members of the flight crew there who were right behind my husband and myself. And he stepped sort of to the back of the plane and said hello to them, shook their hand, spent about 5 minutes talking with both of those two individuals. Came back out where my husband and I were standing.

I sort of reintroduced him to my husband, because, again, they had never met, and he spoke with him for several minutes, asked about our trip, asked about our flight, said: You know, I've never met, happy

to meet you, haven't met you before.

And at some point I said, made a comment, there had been press that they had a new grandchild. I said: Congratulations on your new grandchild. And we were standing up, and he turned and said, thank you very much, and started talking about that. Asked my husband if we had children. They began talking about children and kids.

And so I would say his conversation with me was probably a little under -- maybe 8 or 9 minutes, a little under 10 minutes. His conversation overall was probably about 20 minutes.

Q So the longest conversation you'd had with him?

A Yes, the only real conversation I've ever had with him.

Q And were there any -- I think you mentioned the grandkids. You discussed that. Any discussion of Department of Justice business in general or the job of Attorney General in general?

A Well, he asked what brought me to Phoenix, and I shared with him the police tour that I was on and the work that I was doing. He asked how my travels were, and I mentioned looking forward to seeing the police department, the importance of the work. So that would be Department business.

He also asked had I been traveling a lot. I mentioned that I had just gotten back from China but had had to cut that trip short to come back and go down to Florida because of the Pulse Nightclub shooting.

And I mentioned to him that when I was in Alaska I met with a number of Native American youth, and that had been a priority of Janet Reno, one of my predecessor Attorneys General. And I asked if he knew about

her health, that she was in fact quite ill. He said that he had, he did know, that he had visited her.

And that was probably the extent, the largest part of my conversation with him. He then was responding to me about why he was in Phoenix and what he was doing and where he was off to next.

And at one point, I said: Well, you know, thank you very much. It's lovely seeing you. We have to move on. And he made a comment about where he was headed to next and started talking about his next location.

He finished that anecdote. I don't recall what it was about. And I, again, said: Well, you know, thank you very much. It's been nice seeing you. You know, we have to move on. And he continued chatting. He continued talking.

Q Any discussion whatsoever about Hillary Clinton -- not about Midyear Exam -- just did her name come up?

A No.

Q Any discussion about her campaign?

A No, nothing about her campaign. And I don't know if he mentioned her in the context of the kids. I just don't remember that. He may have said something about grandparents being, referring to both of them, but it was in a personal context. But nothing outside of that about her or -- and nothing about the campaign at all.

Q And so you mentioned you discussed what President Clinton was doing. Was he doing anything campaign-related that was part of that discussion?

A He didn't share that with me. He didn't share that with me. He said he had been playing golf. And I commented -- I found that -- again, I'm not a golfer, and I don't know, but I understand people who are avid golfers will golf in extreme heat. But it was quite warm in Phoenix, and I made a comment about that. And he talked about his golfing.

And when I said that we had to move on, he said he was moving on someplace as well. And I don't recall if he was going to West Virginia, but somehow he ended up talking about West Virginia. And he had sort of an anecdote about West Virginia coal mining that was sort of a historical issue. It wasn't something that I was familiar with.

And we were talking about, again, moving on. And at one point a staffer of mine came on the plane to get me. And at that point the President was -- Mr. Clinton was then talking about Brexit. He was saying that either he had been reading an article about Brexit, and he made a reference -- he quoted something that had been in The Times -- The New York Times, I should say -- about Brexit when my staffer was stepping on to the plane.

Q Any discussion about you staying on as Attorney General in a potential Hillary Clinton administration?

A No.

Q Nothing like that?

Did it occur to you prior to your head of security informing you that President Clinton wanted to say hello, did it occur to you that maybe it was improper or would have the appearance of being improper

to have a conversation with him?

A Well, I didn't know about it before my security member mentioned it.

Q I mean, so security -- the head of security comes to you and says: President Clinton wants to speak with you. Does the thought come into your mind, "Maybe I shouldn't have this conversation"?

A At that time the thought that was in my mind was that it was similar to situations where other people in public life and in private life would see me and say hello, in a public or even a private setting. And people would often say: Well, the Attorney General is there, I would like to say hello.

And some people were in public life and some people, as I mentioned, were private citizens. These encounters were often very brief, very short, sometimes as long as maybe 10 minutes if you got into a conversation.

And so I viewed it in that context, that this is someone in public life who wants to say hello. I'll say hello and we'll move on.

As we -- as his conversation continued, I just felt that the conversation was continuing for too long. And I thought that not only did we need to move on, he didn't seem to have any particular purpose in talking to me, you know, there was nothing specific he seemed to want to say. And after you exchange pleasantries, really people typically go on about their days, or about their evenings in this case.

And so I felt that the conversation went on too long. And certainly as we were leaving I felt that it was -- it certainly was

going to raise a potential issue in the appearance of how the case was being handled.

Q So you realized that as the conversation was going on?

A I can't tell you when in time I had that thought, because I was essentially, as I said before, I was speaking to him for maybe half the time he was on the plane, and thinking that any minute now we're going to say, well, you know, good night, and we're going to move on.

But certainly as I was leaving and thinking about the next day and thinking about just the issues of the day, including the conversation that I had with him, I thought that it could certainly be an issue.

Q Did you express -- I'll use the word concern -- did you express your concern that this might be an issue to anyone at the Department?

A Well, I had staff traveling with me. They weren't with me on the plane. They had already deplaned. But after we all got to the hotel, I certainly conveyed concern to them. And then --

Q Who was that, the "them"?

A I had staff on the plane with me. I had my deputy chief of staff. I had my public affairs person. I had a staffer in counsel. And I can't recall if there was a fourth staffer with me or not. I just don't remember right now. So I had at least three staff members with me, and I spoke with them that evening.

The next day, fairly early in the morning, I convened a call with



my other chief of staff, my other deputy chief of staff, in Washington and other staffers who were still back in D.C.

Q What about the Deputy Attorney General?

A She was on the call that I had the next morning. I didn't speak to her that evening, though.

BY MR. BAKER:

Q Is there any kind of office at the Department -- ethics, integrity, compliance -- anything that would be the go-to person to get like an official ruling on whether you have to do something?

A Sure.

Q Was that office or personnel in that office consulted?

A Well, what I can tell you is that my thinking the next day was I had to review the situation. And I wanted my staff to think it through and I wanted the Deputy Attorney General to also consider the issues. She had her staff involved as well.

And to me, it was a two-step process, to consider whether or not the fact that I had had this conversation with the former President rose to the level of having to recuse myself from the investigation.

And I was discussing it with my staff on the phone, so it was a fairly large team, and I directed them as a step one to get an ethics opinion, to consult with the appropriate ethics offices at the Department and get a legal determination as to whether or not, as a matter of law, I should recuse myself. And I would abide by that recommendation, whatever it was. So that was step one.

Step two, while we were working on that, someone in Washington

did the consultation, and in, I think, a subsequent call, but fairly soon thereafter, received the information back that the ethics officer had been consulted, had reviewed the situation, and had provided us with the opinion that there was no legal obligation to recuse. And by that I mean law, statute, regulation, that sort of thing, which I would have abided by.

So then you have to consider as a matter of whether or not you would still voluntarily recuse. And so those discussions continued after we had gotten a legal opinion.

Chairman Goodlatte. General Lynch, before we go further with that, I wonder, can you tell me how President Clinton knew you and your plane were there at the airport in Phoenix?

Ms. Lynch. No, I can't tell you that.

Chairman Goodlatte. Did he say anything to you about that?

Ms. Lynch. No.

Chairman Goodlatte. But he was right there on the doorstep or close behind when his security --

Ms. Lynch. Yes.

Chairman Goodlatte. -- approached. And was his plane close by, do you know?

Ms. Lynch. I never saw his plane, so I can't say.

Chairman Goodlatte. It was a private plane?

Ms. Lynch. I just don't know.

Chairman Goodlatte. And he was leaving as you were arriving, is that --

Ms. Lynch. Leaving?

Chairman Goodlatte. You were arriving in Phoenix and leaving from the plane to go to a hotel?

Ms. Lynch. Yes.

Chairman Goodlatte. He was at his plane and getting ready to leave Phoenix or was he also staying in Phoenix?

Ms. Lynch. In the course of the conversation he did tell me that was headed elsewhere, but it was unclear to me if he was flying out that night or when exactly he was flying out that night. I didn't get that level of detail. But he did imply to me that he was headed to a different place.

Chairman Goodlatte. And you had no communications with him whatsoever before this meeting related to the fact that he was coming on board your plane?

Ms. Lynch. No.

Chairman Goodlatte. And did you have any communications with him after he was on board the plane?

Ms. Lynch. After he was?

Chairman Goodlatte. When he left the plane --

Ms. Lynch. Oh.

Chairman Goodlatte. -- after he had spoken to you, did you communicate with him again later?

Ms. Lynch. No.

Chairman Goodlatte. Not at all? About anything?

Ms. Lynch. No. No, I think the next time I saw him was probably

at Ms. Reno's funeral service much later in the year.

Chairman Goodlatte. Thank you.

Ms. Lynch. And we had minimal conversation then.

Mr. Jordan. Okay, Ms. Lynch -- thank you, Mr. Chairman -- so you land. Former President Clinton's there. Before you even deplane, he comes on board. Someone says the former President wants to talk to you. He comes on, talks to you for 8 or 9 minutes, as you suggest -- or as you said, excuse me. He talks to some other staff in 20 minutes. And when you leave, you're already thinking: Wait a minute, this may not look good.

Ms. Lynch. I can't recall the specific timing of that, just to be accurate.

Mr. Jordan. Okay.

Ms. Lynch. And I just want to be accurate.

Mr. Jordan. At some point on your way to the hotel you're thinking: We need to check this out and make sure, you just went through, make sure this is okay.

Ms. Lynch. Yes.

Mr. Jordan. Okay. So you get to the hotel and you talk with your immediate staff, the staff that's traveling with you. Is that right?

Ms. Lynch. Yes, the staff that was traveling with me was there. The phone call was subsequent to that.

Mr. Jordan. And the phone call was the next morning?

Ms. Lynch. Yes.

Mr. Jordan. And who was on that phone call?

Ms. Lynch. I recall the Deputy Attorney General. I recall my other --

Mr. Jordan. Ms. Yates?

Ms. Lynch. Yes. And I recall a member -- I recall some members of her staff being on the call.

Mr. Jordan. Was George Toscas on the call?

Ms. Lynch. I do not remember if he was on that call or a subsequent call. I know that I did speak with him by phone during my travels, but I'm just not able to isolate which call.

Mr. Jordan. Okay. But you spoke to him about this incident, the idea that you had met with former President Clinton on the tarmac?

Ms. Lynch. Yes.

Mr. Jordan. Okay. And what did Mr. Toscas and Ms. Yates, what did they say or what did they instruct you to -- any instructions? What was their feedback?

Ms. Lynch. Well, as I indicated, there was a team of people on the call. In addition to Ms. Yates, George Toscas, several members of Ms. Yates' staff. My staff was also on the call. My second deputy chief of staff, other counsel were on the call.

Mr. Jordan. What did Ms. Yates instruct you to do?

Ms. Lynch. I didn't receive instructions. It was a conversation with that team.

Mr. Jordan. What was her input? What was Sally Yates' input on how you should handle it?

Ms. Lynch. My recollection was that she and I spoke about what

had happened. I was outlining for that group what occurred and outlining what I saw the issues were. I asked others did they see the issues.

I can't recall the specifics now of who said what, though, so I'm --

Mr. Jordan. You ultimately stepped back and gave the decision to Mr. Comey. Did Ms. Yates instruct you to do that? Did she encourage you to do that?

Ms. Lynch. I didn't hear the first part of your question, Congressman.

Mr. Jordan. So you sort of stepped back and said you would allow the FBI to make this decision.

Ms. Lynch. I'm sorry. I can't hear you.

Mr. Jordan. You seemed to step back and allow the FBI, Mr. Comey, to make this decision. Did Ms. Yates encourage to you do that?

Ms. Lynch. I didn't step back and allow the FBI do anything. And Ms. Yates and I didn't talk about what the FBI was going to be doing or saying. So I'm not sure that that's --

Mr. Jordan. Let me ask you this. Did you talk to the FBI about the fact that you had -- did you talk to the folks who were doing the investigation? Did you talk to them, Director Comey or anyone over at the FBI, about the meeting you had with Mr. Clinton?

Ms. Lynch. I don't believe anyone from the FBI was on the phone in D.C. They weren't with me where I was. I was in Phoenix and Los Angeles having these calls -- mostly Phoenix. And I don't believe

anyone from the FBI was on the phone in D.C., but I just can't -- I couldn't -- I can't say. But I don't believe that they were on the phone. I don't believe if there were communications staff to staff.

Mr. Jordan. Okay. Thank you.

BY MR. SOMERS:

Q You mentioned seeking ethics advice. And I think you mentioned you had your staff reach out to who?

A I directed them to reach out to the ethics officer of the Department to outline the situation and to seek guidance. And that the question that I was presenting was: What were my obligations vis-à-vis recusal in the situation as outlined?

Q And why did you have staff make that outreach instead of doing it directly, since you were the one in the meeting? Or not the meeting. You're the one that spoke with --

A Right.

Q -- President Clinton.

A Right. My staff was in Washington with the ethics officer. They could literally walk down the hall and speak with them.

Q Did you ever, yourself, speak with the ethics officer?

A I didn't speak with the ethics officer about this issue. I certainly have spoken with the ethics officer who was in office at that time about a host of other issues not related to this particular matter.

Q Was there written guidance based from the ethics officer back?

A I don't know if they prepared a memo or not, I didn't see

one, because I felt that time was of the essence. We were communicating by phone and I wanted to get the information as quickly as possible. But I just don't know if she wrote anything down for my chief of staff.

Q And what was the advice that was given by the ethics officer?

A That there was no legal or policy obligation to recuse as a matter of law or the applicable regulations.

Q And did you recuse yourself in any way from the investigation?

A No, I didn't recuse myself from the investigation.

Q I think there's been, if I could just -- I'd like to get your comments on -- so I could just read to you. The IG in the -- in its investigation did express a view about your recusal. And if I could just read that to you and get your reaction to it. And we could provide you with a copy, but I think, for the record, it might be clearer if I just read it.

"In our view, Lynch should have either made it unambiguously clear that she did not believe there was a basis for recusal and that she was going to remain the final decisionmaker, thereby making her accountable for the final decision, not Comey, or recuse herself and allow Yates to serve as Acting Attorney General, or sought a special counsel appointment.

"Instead, Lynch took none of these actions, leaving it ambiguous to the public as to what her role would be. Ultimately, that left the public with the perception that the FBI Director, and not the Attorney General, was accountable for the declination decision."



So do you believe there was ambiguity in whether you recused yourself?

A Well, I did not recuse myself. And in deciding how to communicate that publicly, one of the things that I talked about with my staff was that during that particular trip, I had a scheduled appearance at the Aspen Institute at the end of that week. And even though it was previously scheduled and would normally have covered probably other topics, we knew that this was going to be a topic of great concern and great public concern. So that that would be a place to discuss how the case would be handled and what my role would be in that case.

My press people worked, I think, with me in discussing the best way to describe that. My understanding is, and I believe from my recollection of the morning of the event, that we also released information prior to my comments at Aspen.

It wasn't a formal speech. It was one of those Q&A's with a reporter on stage. So I wasn't giving a formal speech. I was taking questions from him, having a conversation with this reporter.

And my recollection is that prior to the event we did provide -- we, meaning the Department generally, I didn't do it personally -- provided information to the press in some sort of short form that I would be seeking a recommendation from the team working on the investigation -- we didn't call it Midyear publicly, but the Midyear investigation -- and that would likely be hoping to accept that recommendation.

And I saw reporting on that before I even went to Aspen. That was a fairly -- and that's a fairly standard way that we handle it.

Then, during the course of the questioning with the reporter at the Aspen Institute, he asked me about not just my conversation with President Clinton and how that came about, but what it meant for the investigation.

So I talked about my views, that I had to do something somewhat unusual, which was pull back the curtain on how decisions are made at the Department. Just as we don't confirm or deny investigations, we typically don't talk about the resolution process. We don't really talk about how we come to those conclusions in any case.

But in this case, I felt that we had to, and I had to talk about the fact that the case was being handled and had been handled from the beginning by an experienced team of career prosecutors, career agents, who were with the Department before me, would be there long after me, had no political issues, and that they would be focused on a factual inquiry and a legal analysis. They were going to provide that to me.

Typically, what happens is in most instances that recommendation is accepted, and I expected that that would happen in case as well.

Q So what is your reaction to the IG's -- what's your response to the IG's views on the fact that you did not just clearly say, "Either I'm in or I'm out"? That's clearly what the IG thinks your position was. What's your reaction?

A I think the IG did a very searching inquiry of this and a number of issues that arose out of the work that we did in 2016, and

I very much appreciated that inquiry. And I think that when I went back and looked at the transcript much later, actually after the Aspen Institute, I don't think that I was as clear as I could have been or as I should have been, and I definitely regretted that.

So I understood, and I'd understand the IG's view there, but beyond that, I don't -- I don't have any characterization of it, if that's what you're asking.

BY MR. BREITENBACH:

Q Do you regret formally not recusing yourself?

A No. There was no legal obligation to recuse myself. Then what happens is the inquiry turns into whether or not you should recuse yourself, are there other reasons that would make it appropriate.

And when I analyzed those other reasons, in my view, and in the view of my staff with whom I consulted, I did not feel that a recusal was necessary.

I felt that -- I knew that the case had been handled by the separate independent team. I thought it was important that that be communicated publicly.

I also knew that my involvement was minimal, it was supervisory at the highest levels. I had not had input in any decisions that were going to lead it one way or the other. I'd be receiving the information, of course, and making the ultimate decision as to whether to accept it. That was something I was definitely committed to doing.

But I also felt that in the absence of that, of the requirement to recuse, you have to analyze why would you do that. Certainly, it

could have been more comfortable to recuse, you know, to avoid criticism. That's always good. But then you're just handing your job to someone else to do. And in my view, that would not be appropriate.

Q So did you feel that there was any appearance of impropriety or appearance of bias that could be seen by having not recused?

A I certainly thought that people could have a question about it. I tried to answer those questions at Aspen in a subsequent interview. As you've noted, that the IG's view was that I was not as clear as I could have been or should have been in that.

But I certainly thought, and I think I've stated, either at Aspen or somewhere else, that people would have concerns. And so the issue is how do you answer those concerns and can you answer them to a degree that you can still represent the Department and lead it forward, in this particular case, in a way that will give people comfort in the integrity of the investigation. And so that's what we moved forward towards doing.

Chairman Goodlatte. Do you understand that the exact opposite occurred, that the public's confidence in the decision being taken over by the FBI Director and holding a news conference created a tremendous amount of controversy rather than the normal process that this would have been handled?

Ms. Lynch. Certainly, after the FBI Director made his statement on July 5th, I saw the reaction and understood that.

However, when I was considering recusal, I didn't know that the Director was going to make that -- take that action, so I didn't factor

that into it. I wasn't able to see that far into the future and say that this is going to be a destabilizing force in terms of people's confidence in the decision.

Chairman Goodlatte. Did you spend much time discussing with your own staff the fact that there's a separation between the FBI, which conducts investigations, and the Department of Justice, which conducts prosecutions, and that the decision, even if you didn't make it yourself, should have been kept within the Department of Justice?

Ms. Lynch. I'm not sure I understand the timing of that.

Chairman Goodlatte. Before the FBI Director did what he did in terms of his public announcement, normal protocol would have been if you, as the Attorney General, were not able to make the decision, for whatever reason, whether for recusal or in this case nonrecusal, but for appearances purposes, did you consider having the Deputy Attorney General or the Associate Deputy Attorney General or someone else in the Department make this decision other than what you did do, which was to say, I will rely upon the decision of the Federal Bureau of Investigation, which ordinarily does not make these decisions?

Ms. Lynch. Well, I don't believe I said that. I said that I was going to wait for the recommendation of the team of prosecutors and agents, and I expected that it would be a recommendation that I could accept.

Chairman Goodlatte. That included -- your contemplation was that included people within the Department?

Ms. Lynch. Absolutely. In fact, the lead, in my view, the lead

people who were going to be giving me the recommendation were the lawyers who had been working on the case for over a year.

The investigators would provide me with an outline of what had been done, what they thought, invaluable information about the conduct of witnesses, for example, invaluable information about the thoroughness of forensics. But the legal analysis that answers the question of whether or not charges are appropriate in any case come from the lawyers.

Chairman Goodlatte. Correct. And did you -- when Mr. Comey contacted you, he gave you very little notice that he was going to make this public announcement. Is that correct?

Ms. Lynch. Yes.

Chairman Goodlatte. When he told you that, did you tell him, "No, that's not appropriate, because you don't make that decision"?

Ms. Lynch. I did not have that conversation with him, because I did not know that he was contemplating an announcement about the ultimate result of the case.

My understanding from previous discussions with the Deputy Attorney General were that the FBI Director had indicated he did not necessarily want to be involved in the final ultimate announcement of the case.

That didn't mean that he wouldn't give me a recommendation. I think that he and the Deputy AG had questions about that, as to what kind of recommendation he would give me and when.

But I would say that the last information that I had had, and there

had been no contradiction of it, was that he didn't want to be involved in a final announcement on the ultimate resolution of the case. So when he called me --

Chairman Goodlatte. He did just the opposite of that, right?

Ms. Lynch. He did, and that was not conveyed to me.

Chairman Goodlatte. And you were surprised by that. So he did -- when he contacted you, he didn't tell you what he was going to do. He just told you he was going to do something. What did he tell you he was going to do?

Ms. Lynch. My recollection is that he said that he was about to have a press announcement and it was about the email investigation. And I don't recall if he mentioned it was going to be the FBI's recommendation. I just don't recall if he used that phraseology. And I just don't recall the specifics enough to say.

Chairman Goodlatte. But even it were, quote, the broader FBI's recommendation, that would be unusual for that to be made public, would it not?

Ms. Lynch. Yes. And that's why, again, I don't recall him saying that.

But there are instances sometimes if -- and again, this is more from at local law enforcement level -- you may have -- we often do announcements where a law enforcement agency may say: We've concluded our investigation, we're turning it over to the prosecutors and, you know, you won't hear anything more about it until they speak. But, again, he was not specific enough so that I could tease that out.

Chairman Goodlatte. The actual statement that he gave, did he clear that with you? Did he share that with you?

Ms. Lynch. I had not seen it nor had any of it read to me prior to that.

Chairman Goodlatte. So when you saw him give that on television, that was new to you just as well as the rest of all of us?

Ms. Lynch. Yes, it was.

Chairman Goodlatte. And did he clear that with anybody else in the Department of Justice?

Ms. Lynch. At the time -- at the morning of the actual announcement, I was not aware of him having cleared it with anyone.

I learned during that morning -- I can't recall the timing -- that he had had a phone call with the Deputy Attorney General but had not given her information either as to what he was going to say, and that she also did not -- was not aware that he was intending to announce the final -- what he viewed as the final result in the case.

And so beyond that, since he had not gotten clearance from either myself or the Deputy Attorney General, I was not aware of him having any other discussions at the Department.

Chairman Goodlatte. Prior to his making that announcement, did you have any conversations with Director Comey where you made it clear to him that he -- that you were not recusing himself from the case, but you were relying on the recommendations of the investigators and the prosecutors?

Ms. Lynch. I didn't have any conversations with Director Comey



about how the case would be announced or resolved in that time period at all. I didn't see him, and we didn't have any conversations scheduled. So I did not have conversations with him about the logistics of any type of announcement.

Chairman Goodlatte. Had you publicly stated your position regarding your not recusing yourself but relying upon the recommendations of the investigators and prosecutors prior to his making that announcement?

Ms. Lynch. Yes. Yes, it --

Chairman Goodlatte. Do you have any reason to believe that he did not know that that was your intention?

Ms. Lynch. I can't say what his state of mind or what he knew. I just don't have any information that would go to that.

Chairman Goodlatte. But it was publicly known in general. We don't know what he exactly knew but --

Ms. Lynch. Yes, my statement was public.

Chairman Goodlatte. Okay. Would you say it would be in any way reasonable to assume --

Ms. Lynch. I'm sorry, I couldn't --

Chairman Goodlatte. Would you say it would be in any way reasonable, given that position that you had taken, for him to take it upon himself to publicly announce the decision on behalf of the FBI as opposed to the Department of Justice?

Ms. Lynch. You know, I can't answer as to his state of mind. I don't have a characterization as to whether it's reasonable or not.

It was not something that I contemplated, and he did not give me the reasons why he was doing it.

Chairman Goodlatte. After he made that announcement, did you have a conversation with him to express your concern about what he had done?

Ms. Lynch. I didn't have a conversation specifically about that. The next conversation I had with him was the day after the announcement when I had the entire team assembled. We were in my conference room and we were essentially resolving the case, and we were trying to make sure that I wanted to hear from the attorneys working on the case their views.

And as I discussed in a response to prior questions, that process took place. And I asked the Director if he had anything to add to the recommendation that he had provided publicly, and he said that he did not.

Chairman Goodlatte. Did you tell him that he should not have done what he did?

Ms. Lynch. I did not. We were in a public -- in a group of people, and I did not have that conversation with him.

Mr. Jordan. Ms. Lynch --

Chairman Goodlatte. We're done with our time, but Mr. Jordan will follow up.

Mr. Jordan. Thank you, Mr. Chairman.

Just to be clear, so the time between the tarmac meeting and when the FBI Director makes the public announcement about the Midyear Exam,

you only had one conversation with the Director?

Ms. Lynch. Say that one more time?

Mr. Jordan. So between the tarmac meeting, which I think was on the 27th of June, and July 5th when Mr. Comey makes the announcement about their conclusion on the Midyear Exam, on the Clinton investigation, you had only one conversation with the Director of the FBI?

Ms. Lynch. At that telephone conversation that I referred to on July 5th is the only one that I recall.

Mr. Jordan. So the only conversation you had was that morning before he makes the announcement he calls you to tell you he's going to make the announcement. Is that right?

Ms. Lynch. Well, he called to tell me he was going to be making a press announcement about the investigation. He didn't tell him he was going to make what he viewed as the ultimate announcement in the case. He didn't give me that specificity. That was the only conversation that we had.

Mr. Jordan. The only conversation you had.

Okay. Thank you.

Chairman Goodlatte. Thank you.

[11:43 a.m.]

Mr. Nadler. All right. Ladies and gentlemen, I gather I call this to order, so I do. It is now 11:43, I am told, and I will start off the questioning.

Madam Attorney General, since you are a former Attorney General, I would like to ask you for your reaction to some of the statements that President Trump has made about the Department of Justice. On May 20 of this year, the President tweeted, quote, "I hereby demand, and will do so officially tomorrow, that the Department of Justice look into whether or not the FBI/DOJ infiltrated or surveilled the Trump campaign for political purposes, and if any such demands or requests were made by people within the Obama administration.

Now, Madam Attorney General, do you believe the FBI or DOJ ever investigated the Trump campaign for political purposes?

Ms. Lynch. I know that they did not.

Mr. Nadler. Did President Obama, or anyone in his administration, ever make a demand or request that the FBI or DOJ infiltrate or surveil the Trump campaign for political purposes?

Ms. Lynch. Never.

Mr. Nadler. And how would you have reacted if you had received a request of this nature from any Presidential administration?

Ms. Lynch. I would have declined it and told them how inappropriate it was.

Mr. Nadler. In the tweet I read, President Trump appears to be

directly demanding the Department of Justice launch an investigation into his political opponents. Should the Department of Justice agree to this demand, or to any demand by a President to investigate his political opponents?

Ms. Lynch. Well, Congressman, a request to investigate political opponents is something that actually comes to the Department quite often, and must be reviewed with the greatest care and sensitivity. Investigations should never be opened for purely political reasons, whether the person is against an opponent or not. Investigations can only be opened if there is what is called "predication," clear evidence of wrongdoing that has to be looked into, not a determination of liability at the beginning, but something that warrants the vast exercise of Federal power.

Mr. Nadler. And if an investigation were opened without such predication, what is the risk to our system of government of having the President try to use the Department of Justice to target political opponents?

Ms. Lynch. Well, the risk of anyone trying to use the Department for political purposes is twofold: First, it damages the Department's standing in the eyes of the country; it damages the Department's credibility. When the Department does -- then brings serious cases, people don't know whether to have faith in them or not. People who have serious issues or concerns don't know if the Department can be trusted to adjudicate them fairly, and with justice and equality, whether they are -- the person who may be called before the bar of law,

or whether they were the person who, in fact, is subject to some sort of harm. People have to have faith in the Department that the work is apolitical and independent, and if the highest officer in the land, the chief executive is calling for a subversion of that, it is of grave concern, and it should be of grave concern to everyone.

Mr. Nadler. Thank you. Now, on June 13, 2017, which I probably should mention was my birthday, President Trump made this personal attack against you. He tweeted, quote, "AG Lynch made law enforcement decisions for political purposes, gave Hillary Clinton a free pass and protection, totally illegal," close quote. Have you ever made law enforcement decisions for political purposes?

Ms. Lynch. I have never made law enforcement decisions for political purposes, as Attorney General, as U.S. Attorney or as a line assistant.

Mr. Nadler. And did you ever give Hillary Clinton a free pass and protection?

Ms. Lynch. No, no. Secretary Clinton was subjected to a full, thorough, independent investigation, like so many people who come before the Department of Justice, and all the facts were examined, the relevant law was applied, and the conclusion was arrived at.

Mr. Nadler. And finally, did you do anything illegal in your role as Attorney General?

Ms. Lynch. No, I did not.

Mr. Nadler. That is good to know. Just a few days ago, Director Comey was sitting here for his second day of being interviewed by both

committees. He, like you, has been attacked repeatedly by President Trump for his part in leading the law enforcement agency that is currently investigating the President, his campaign, and his associates.

Mr. Comey was asked about President Trump's tweet earlier this week, quote, "Remember, Michael Cohen only became a 'rat,' subquote, after the FBI did something which was absolutely unthinkable and unheard of until the witch hunt was illegally started. They broke into an Attorney's Office, in capitals. Why didn't they break into the DNC to get the server or Crooked's office," close quote. Director Comey responded by saying comments like these undermined the rule of law. Do you agree that this is an attack on the rule of law? And why is that?

Ms. Lynch. Well, I think, sadly, we have seen a number of attacks on the rule of law, whether they are by tweet or statement by members of the current administration. It is my hope that they will back away from those attacks on the rule of law and understand that when the -- unless the executive branch supports its sister branches of government, all of government will suffer.

Mr. Nadler. But do you agree or disagree that the tweet that I just read about Michael Cohen becoming a rat and about the FBI's enforcement of an execution of a search warrant of Mr. Cohen's apartment being -- or office being a break-in. Do you agree that this was an attack on the rule of law? And if so, why?

Ms. Lynch. Well, I certainly think it was an unfortunate

statement. I think it was a mischaracterization of Department practice and policy. I think it was part of an ongoing series of statements by this administration that are seeking to undermine the rule of law.

As you know, Congressman, I was a prosecutor in Brooklyn for a number of years, and sadly, I have had occasion to investigate and prosecute attorneys, and the process of obtaining a search warrant is one that is intense. There is a great deal of procedure and a great deal of oversight from the Department of Justice therein, and those cases are handled very, very carefully. So this wasn't unprecedented. It wasn't unusual. It was simply where the investigation went.

Mr. Nadler. And why are attacks like these so dangerous?

Ms. Lynch. Well, we -- part of the Department's work in enforcing the law is garnering trust in the work that the Department does. And to the extent that people lose that trust and faith, as I certainly have had occasion to see over my career, it makes the job of everyone in law enforcement more difficult, but it also makes people less safe. People are reluctant to call on law enforcement if they have no trust or faith in them. I certainly saw this when I was dealing with the issue of police and community relations as the Attorney General, and trying to build that area up.

We are now seeing that issue writ large with attacks on the Department and the FBI, in particular, going to the larger issues of whether any citizen can and should have faith in these institutions.

These institutions are independent. They have to be perceived



as such. They are apolitical. Their work has to be supported, because at some point or another, everyone is going to need assistance, whether you are a witness, whether you are sadly a victim, whether you just need assistance in managing the course of life, people have to be able to rely upon the Department and the FBI to help them in those matters.

Mr. Nadler. Thank you. And from your experience in law enforcement, is the characterization of someone who had committed a crime, or simply aware of a crime, and then testified to law enforcement a characterization of such a person as a rat, is that typical of law enforcement or is that typical of mob people?

Ms. Lynch. Well, it is typical of people who are afraid of that testimony. They are mob people, they are gang leaders, they are people who are seeking to denigrate witnesses so that people won't believe them, and it occurs in all types of criminal behavior. For law enforcement, we rely upon witnesses. Sometimes they are people who happen to see something. Sometime there are people who are deeply involved in the criminal activity that we are investigating. You treat those witnesses carefully. You verify and corroborate them, but they are, very, very important to the process of the legal system.

Mr. Nadler. Thank you. Now, Director Comey also later explained that we have to, quote, "stop being numb," unquote, to attacks like these. That they go to the heart of the values we all share as Americans. Do you share Director Comey's concern that we must not become numb to President Trump and his surrogates' attacks on the rule of law and the Department of Justice?

Ms. Lynch. I think that every American has a responsibility to focus on the importance of the rule of law in their community, and I think that it is easy when you hear something over and over again to, in fact, tune it out to become numb to it. And that would be unfortunate, and frankly, it could be dangerous because people could then not see their liberties slipping away. They could not see opportunity slipping away. So I would hope that every citizen, whatever their political persuasion or viewpoint, would remain invested in our democracy, and in making it stronger.

Mr. Nadler. And how do you think we can work to ensure that these attacks do not become the new normal?

Ms. Lynch. I think we have to push back against them. I find that sunlight is a great disinfectant. I think that transparency is always important in how government works, particularly in how law enforcement works. There is often a tension there between what we can and cannot say about law enforcement activity, but wherever possible I think law enforcement has to remain open and transparent and responsive, but I think we have to acknowledge the anxiety of people in our populous these days; we have to acknowledge the concerns and listen to the basis for them, and then work with them to find a way to show that, yes, the government, in fact, is still listening; government is still working; government is still effective; and government is still looking out for the people of this country.

Mr. Nadler. Now, you have been a private citizen for nearly 2 years now, and a lot has happened since then and during this new

administration. I don't know if I should characterize it anymore as a new administration, during this administration. Of everything you have seen, what has happened that is of greatest concern to you?

Ms. Lynch. Well, I think whenever you have the opportunity to lead the Department of Justice, or even to be a member of that agency, you take great pride in the work that the Department does. But mostly, you take great pride in the people who run that department day in and day out, administration after administration, and so certainly for me, it has been painful to see that institution being attacked. It has been painful to see that institution being denigrated and being used and pulled into the political fray, and certainly, it is my hope that our leaders will recognize the harm that this does, and not just defend the Department blindly, or not provide appropriate oversight, but support the Department in its work and make sure that it is not only responsive to people, but people understand the importance of an independent Department of Justice and independent law enforcement.

Mr. Nadler. So your chief concern, or the chief thing that you are talking about is the attacks on our law enforcement agencies and the Department of Justice?

Ms. Lynch. That is the most painful to me to see.

Mr. Nadler. And how would you characterize the attacks -- or the importance of the attacks on judges and on the facts?

Ms. Lynch. Well, certainly, I have great respect for the judiciary, and find those attacks on judges equally disturbing. Sadly, they are not uncommon. When people feel under attack, or they

feel that law enforcement might be closing in, you will often get comments attacking the system in some way, whether it is the prosecutor or the court. And judges, in particular, keep not just a low profile, but they don't respond publicly to those attacks. So I think in that instance, it is quite important that all of us, every citizen, those of us in institutions -- other institutions of government support the judiciary.

Mr. Nadler. And to the extent that our institutions have been under assault, how do you think we can best get them back on track?

Ms. Lynch. Well, I don't know that they are off track. I do think that we have to --

Mr. Nadler. Good point.

Ms. Lynch. I think that the work, certainly from what I have known, the work of the Department and the work of law enforcement goes on, that everyday contact that people have in the community with people who come to law enforcement for help, people who come to the Department with issues of concern it continues, but to the larger issues of the perception of integrity and independence people have to speak out. We -- not only is sunshine a great disinfectant, but the marketplace of ideas is a wonderful thing. And to the extent that we find ourselves in a situation where institutions that we love are being attacked or denigrated, I think we have a responsibility to speak out, and frankly, focus on the outstanding work that is still being done in those institutions.

Mr. Nadler. So I take it you would not agree with the President's

repeated suggestions that we ought to tighten our libel laws to crack down on some of the criticisms.

Ms. Lynch. I have found, over the course of my career and my life, that the truth is the best answer to the concerns that people have. It doesn't mean concerns go away, but people need to know that they are heard, and they need to know that someone is listening to them.

Mr. Nadler. And finally, as a summary, what do you view as the most dangerous threats to our core democratic values and to national security?

Ms. Lynch. To national security --

Mr. Nadler. Those are really two questions. To our core democratic values, and to national security?

Ms. Lynch. Starting with national security, I certainly think that it is incredibly important that the United States maintain the strong relationships we have crafted throughout the international world order. As we look at threats particularly emanating from terrorism and the like, those relationships have been incredibly helpful in preventing a great deal of harm to Americans. Our place in the world order is vital, not to be the world's policeman all the time, not to be the moral arbiter of other countries, but to be a source of inspiration to them, to work with other agencies and train them, to share information.

So I think in terms of national security, what concerns me is when I see a retrenchment of the position that the United States has an important role to play in national security on an international level.

That issue is too important to be politicized. It is too vital to the lives literally of every American for us to step away from our obligations on the world stage. So those are my concerns as it relates to national security. And the other issue --

Mr. Nadler. Core democratic values.

Ms. Lynch. Our core democratic values are something that I think, you know, we go through periods in this country where we don't live up to our ideals, and I know many people in this room have fought against that, and have done great work in the civil rights movement, for example, opening up equality to all Americans.

So we know that there are going to be times when we are not at our best. But we also know that we can get back to our best, that we have to remember that every day we have a chance to do better. We can make the choices, and if our leaders make certain choices that we disagree with we have options there. You know, we are a government of wonderful citizens, of great people who do wonderful work every day across this country building communities, solving problems, reaching out to people, and the more we uplift those efforts, I think the better off we will all be.

Mr. Nadler. Thank you. Representative Jackson Lee.

Ms. Jackson Lee. Mr. Chairman, thank you so very much, and General Lynch, thank you so very much for your service. I want to open with a historical note and a historical fact, and that is as you have brought your long years of service as a prosecutor, your knowledge of law enforcement to both your work in the public and private sector,

you have brought another historical fact. You are the first African American ever in the history of the United States, African American and African American woman to serve as the Attorney General of the United States out of 83, and you are only the second woman to serve in that capacity.

With that in mind, as a former judge myself, and one who has worked in the prosecutorial posture on the select committee on assassinations, which reopened the investigations into Dr. King and President Kennedy, I know the work of prosecutors and law enforcement. It is important for mutual respect. It is important for integrity. In that historical role that you have played, though that is not the definition of your leadership, would you comment on the importance of integrity and maintaining that integrity not only because of your career, but because you were in the midst of an historical step for the American people and the Department of Justice.

Ms. Lynch. Well, thank you, Congresswoman, for that question. I think integrity is the cornerstone of not just faith in law enforcement, but something that I have tried to achieve in my own career. I find that it is best achieved through the standards that we all set for ourselves of working hard and making achievements, but also holding oneself accountable. When I make a mistake, I try and admit it. I try and discuss it and learn from it and hope that others will, as well, so people who work for me and with me, know that they are free to do the same, but also so that the American people know that we are all in this together.

We are all trying as hard as we can to get this right. And so for me, integrity means not just accountability, but going that extra mile also.

One of the best things about being the Attorney General was being able to travel this great country and talk to people, just talk to people who were having difficult, difficult times. You know, they felt they couldn't call the police when they had a problem. They felt that their civil rights had been violated, there was a violence in their community, and they literally didn't have anyone to turn to and being able to say, You, in fact, do have someone to turn to, and using my own personal background and experience as a prosecutor, but also my experience as an American, as a woman, as a person of color, to relate to those issues and those incidents and try and expand the debate and the dialogue for everyone.

You carry your integrity with you wherever you go. People have to take you at your word. They have to know that they can trust your word, and I have certainly tried to comport myself in a way where people know that I mean what I say, and I say what I mean.

Ms. Jackson Lee. So as General, would you say you worked very hard to ensure the Department of Justice upheld the standards of integrity, but more importantly, to hold the Department together, to affirm the FBI's field agents that are out in danger, DEA and U.S. Marshals, and others that are in that law enforcement component, that have to be respected but also be guided, did you work to do that?

Ms. Lynch. Yes, I did. It was very important to me to have a



strong connection with the law enforcement agencies of the Department because I have worked with them throughout my career as a prosecutor. I have had a strong partnership with State, local, and Federal law enforcement in the cases that I myself have done. I have friends in law enforcement to this day. I have learned so much from them.

In particular, dealing with law enforcement during the time that I was Attorney General, and I would imagine this has continued, law enforcement would come to me and often say they felt that they themselves were underappreciated, and possibly under attack. Certainly, we saw tremendous loss of life of law enforcement during my tenure as Attorney General, and it was an awful thing to deal with, and something that we put a lot of focus on in terms of providing resources and support to. So it was very important to me to make sure that our law enforcement agencies, both the Department components and State and local law enforcement, knew that they were all on the same team with us.

Ms. Jackson Lee. So I would start now with a series of sort of yes-or-no answers. With that in mind, your commitment to them was equally a commitment to civil justice and civil rights?

Ms. Lynch. Yes, absolutely.

Ms. Jackson Lee. In addition, in the instance of any matter brought to your attention, such as the Hillary Clinton emails, would there be anything that you would offer today that would suggest that you felt the individual, former Secretary Clinton, should have been prosecuted?

Ms. Lynch. No. I reviewed the matter was brought to me by my team, and I was satisfied with their in depth and thorough analysis, and I felt that they were absolutely correct.

Ms. Jackson Lee. And nothing today would cause you to change your mind, or when you made the decision?

Ms. Lynch. No, nothing has occurred to change my determination.

Ms. Jackson Lee. Do you see any reason to prosecute Secretary Clinton at this time?

Ms. Lynch. Based on the facts that were brought to me and the legal analysis that was done, there was not a case.

Ms. Jackson Lee. I wish that your admonitions or instruction had been followed by this committee and that we were actually having a hearing on the rule of law. We are obviously not having that.

Let me add a point to the record that has just noted the results of a poll from NBC News which indicated 62 percent of those responding indicated that Trump is not telling the truth about the Russia investigation. I will connect that only to the idea that the rule of law is extremely important no matter what level of government you happen to be in.

So let me follow with these questions that are basically yes or no. I want to talk about the spring, summer, and autumn of 2016. Carter Page, at the time, was suspected of being a Russian asset; George Papadopoulos had told the Australian ambassador that Russians had Hillary emails; Paul Manafort had been named Trump campaign manager; Michael Flynn was Trump's chief national security adviser and foreign

policy adviser; and just yesterday, had a continuance in his sentencing.

One thing that all of these persons had in common was that each was the subject of a FISA court investigation, which we now know, and all were directly connected to Trump. As Attorney General, you had the authority to oversee FISA application process. Is that correct?

Ms. Lynch. Yes.

Mr. Weinsheimer. I would object to that question as it potentially gets into possibly classified information, and also equities in an ongoing investigation.

Ms. Jackson Lee. I beg to differ. It is a simple question that says as Attorney General, you had the authority to oversee FISA process. It did not ask in particular about any individual name.

Mr. Weinsheimer. The preface of your question leads into the final question you asked, and I wouldn't want this witness' answer to be in any way interpreted as agreeing with any part of the preface of the question.

Mr. Nadler. The preface of the question being that as Attorney General, you had the authority to oversee a FISA application, is that --

Mr. Weinsheimer. No, the preface of the question was all of the indications about the various people that may or may not be under investigation, okay, the whole lead-up to the question.

Ms. Jackson Lee. If I may recite, these were simply statement of facts that are in the public domain. They are in the newspaper about Mr. Page, Mr. Papadopoulos, Mr. Manafort, Mr. Flynn. I can simply ask

with the idea of the Attorney General's authority does she have authority over FISA applications. That is a simple question.

Mr. Weinsheimer. I have no objection to that question.

Ms. Jackson Lee. Madam General --

Ms. Lynch. Yes. The Attorney General has the authority over the final signature on the FISA applications. It is delegated by regulation to the Deputy Attorney General, and the head of the national security division, as well.

Ms. Jackson Lee. To be sure to stay within the lines of reasoned questioning, is it fair to say that as it relates to any campaign, presidential campaign in this instance, that if any of that information had been made public, it would have hampered any campaign, in this instance one campaign over another?

Mr. Weinsheimer. Can I ask you to just rephrase that question? You indicated any of that information. That seems to refer back to the prior objection that I had.

Ms. Jackson Lee. It refers back to the FISA applications that are in the public domain. The names are in the public domain, not the information of the FISA, but the names are in the public domain, and so the question is if any of those names had been released, would that have hampered any campaign?

Mr. Weinsheimer. There has been a public release of one FISA application that relates to Carter Page. If you wanted to ask a specific question about that, I wouldn't have an objection to it, but just because something is in the public domain does not mean that as

the former Attorney General, this witness can talk about it, because it could relate to classified information, and it could also affect equities relating to an ongoing investigation.

Ms. Jackson Lee. Well, let me work to compromise in response to your concern, but to put on record that I am not asking the Attorney General about the details of FISA. I am listing names that are in the public domain, and I am not asking her to assess that. I am asking her if names were released in an ongoing investigation in the Department of Justice, would that have impacted a campaign?

Mr. Weinsheimer. And is that just a general question hypothetically about any names, not specific names?

Ms. Jackson Lee. I will cede to the general question of any names.

Ms. Lynch. Yes. Thank you, Congresswoman. Certainly, the release of the names of anyone under investigation or particular surveillance can do great harm in a number of ways to that person's reputation, to people's trust in the Department's ability to maintain confidences, and if anyone were, in fact, affiliated with a campaign for office, certainly there could be aspersions cast on the campaign because of their affiliation, as well.

Ms. Jackson Lee. And as relates to Mr. Carter Page, which counsel has ceded was known, if, for example, Mr. Carter Page named during that time frame that I indicated, which was the spring, summer, and autumn of 2016 would that have, in your view, had an impact in particular on the Trump campaign?

Ms. Lynch. Well, I can certainly say it would have been against Department policy. I can't assess the impact on someone else's campaign, but certainly in my view, one of the harms of releasing that information would have been reputational, as I indicated, integrity of the investigation, and the potential aspersions cast upon a campaign that Mr. Page may have been affiliated with.

Ms. Jackson Lee. But the information was not leaked. Is that correct?

Ms. Lynch. That is correct.

Ms. Jackson Lee. Let me move quickly to just briefly on Secretary Clinton's email server, and make mention of the FBI Director that stated under oath reached a determination -- was confident enough in the determination reached by the FBI that he stated under oath the case itself was not a cliffhanger, and that no reasonable prosecutor would ever bring such a case. But the facts bear that from July 2016 through October 2016, House Republicans engaged in an almost daily ritual of holding hearings desperately trying to tear down the Midyear investigation and the Bureau's and the Justice Department's recommendation not to prosecute Hillary Clinton, and I said to you earlier that part of your work was to maintain the integrity of the agency. They did not stop attacking Director Comey until October 28, 2016, the day he sent the letter to congressional leaders announcing that an unrelated investigation the FBI learned of the existence of emails that appear to be pertinent to the investigation of Secretary Clinton.

Immediately, House Republicans leaked this information into the media, and for 8 days, millions of Americans were casting their ballots or during an 8-day period. This was about protocol. Can you please explain your familiarity as a career prosecutor with those protocols and the ways in which the real investigation was or was not consistent with those protocols, and do you agree with how the FBI handled the October 2016 announcement reopening the Midyear investigation and the November 2016 investigation announcing that there were no extra charges?

Ms. Lynch. Yes. So focusing specifically on October of 2016, there certainly were Department policies and norms, but as we learned upon a deep dive, not a specific prohibition against releasing information with too close to an election in a nonelection-based case. But certainly, the Department norm had been that one did not take action close to an election out of concern that one might impact the election, and that could range from interviewing people, it could range from subpoenas, it could range from bringing charges. You tread very carefully. There were protocols about consultations with people within the Department before certain actions could be taken. And those are longstanding norms. Not all of them were written down or codified, but those were, in fact, longstanding norms and procedures.

Ms. Jackson Lee. My final questions, I have been troubled by escalating attacks against the Department of Justice, the Special Counsel's Office, and the FBI, attacks against the independence of the institutions, the integrity of their employees, and the legitimacy of

the DOJ's and FBI's investigation.

As I am sure you are aware, President Trump and his allies repeatedly described Special Counsel Mueller and his investigation as illegitimate and politically biased. On November 27, 2018, President Trump tweeted in reference to the special counsel, quote, "The fake news media builds Bob Mueller up as a saint, when in actuality, he is the exact opposite. He is doing tremendous damage to our criminal justice system, where he is only looking at one side and not the other. Heroes will come of this, and it won't be Mueller and his terrible gang of angry Democrats. Look at their past, look at where they come from. The now \$30 million witch hunt continues, and they have got nothing but ruined lives. Where is the server? Let the terrible people go back to the Clinton Foundation and Justice Department."

On December 3, 2018, President Trump tweeted, quote, "Bob Mueller, who is a much different man than people think. He is out of control. Band of angry Democrats don't want the truth, they only want lies. The truth is very bad for their mission."

I will note that Robert Mueller is a well-known, and has been well-known as a lifelong Republican and as well as a man of integrity. Generally speaking, does being identified as Democrat mean a prosecutor would be too conflicted to conduct a fair investigation of a Republican or vice versa.

Ms. Lynch. Absolutely not. The political affiliation of the prosecutors has no relevance on investigations they conduct in the public corruption/slash political realm or anywhere else. People are



entitled to have their opinions, but in my experience, the dedicated prosecutors and investigators that I have worked with for years check those opinions at the door and focus solely on gathering the facts, gathering the evidence, and determining whether or not there has been any wrongdoing. That has to be the same process for everyone, whether there is a D or an R in front of the name of the prosecutor, the subject, the witness, or the target of the investigation because the reality is, I think people spend a lot of time and invest a lot of emotion in thinking about big cases or cases that get a lot of attention. But when you are a professional prosecutor, you know there is always another case. There is no one case that is worth leaving your integrity behind for. There is no one case or issue that is worth compromising longstanding values and norms to make.

Ms. Jackson Lee. These are yes-or-no questions. Are you aware of any, quote, "conflicted people" on the special counsel's team?

Ms. Lynch.

No, I am not.

Ms. Jackson Lee. Do you agree with the characterization that the special counsel's investigation is a witch hunt?

Ms. Lynch. No, I do not.

Ms. Jackson Lee. Director Comey described the team as an all-star team of people whose names I have known for years. Do you agree with the characterization these are stellar people?

Ms. Lynch. I don't know them all, but the ones that I am aware of are definitely stellar prosecutors and people of great integrity.

Ms. Jackson Lee. Your general impression of the individuals on the special counsel's team, professional or not professional?

Ms. Lynch. Certainly very professional in terms of the ones that I know and the work that I have seen.

Ms. Jackson Lee. Do you agree with the characterization that the special counsel's team is out of control and are not seeking the truth?

Ms. Lynch. That is not based on anything that I have seen.

Ms. Jackson Lee. How confident are you that members of the special counsel team are conducting their investigation based solely on the facts and the law, not their political affiliation?

Ms. Lynch. Based on my knowledge of how Robert Mueller conducts business, both as former FBI Director and as a member of the Department of Justice, a former U.S. Attorney, a former leader of the Department of Justice, someone who holds its values dear to his heart, I am convinced that he is leading them in a very strong and positive manner.

Ms. Jackson Lee. Is there any reason to believe that they are trying to undermine the rule of law, or is there any reason that Mr. Mueller should be publicly attacked?

Ms. Lynch. None at all, none at all.

Ms. Jackson Lee. Do you agree with the President's characterization that Mr. Mueller is damaging the criminal justice system?

Ms. Lynch. No, not at all.

Ms. Jackson Lee. And you would, in a couple of words, characterize the special counsel investigation in what terms, handled

correctly, professionally?

Ms. Lynch. Well, from what I have seen from public reporting since I have no visibility into it, it has been handled professionally with great discretion, which is completely appropriate, and frankly, should be the norm and the goal for every investigation.

Ms. Jackson Lee. My last question. How would you characterize his credibility, his integrity, and his work product?

Ms. Lynch. Are you referring to Mr. Mueller?

Ms. Jackson Lee. Mr. Mueller.

Ms. Lynch. Well, based upon my knowledge of Mr. Mueller and my observations of him over the years, he is of the highest integrity, his work product has always been exemplary that I have had occasion to see, and I have great confidence in him.

Ms. Jackson Lee. Thank you so very much for your testimony.

Mr. Nadler. I am going ask a question now with a preface as a follow-up to some of the questions that Representative Jackson Lee asked. In July of 2005, after announcing that charges would not be brought against Hillary Clinton, former Director Comey gave his personal opinion as to the lack of appropriateness of some of her conduct. He was criticized for that by various people, including me.

In October, 10 days or so before the election he announced publicly that they were reopening the investigation a couple days -- 2 days before the election, he announced that they found nothing. He was greatly criticized for that, and some people attribute part of the result of the election to that action, and that was a

violation or seems to be a violation of the normal protocols that you don't say something shortly before an election that might affect it.

In September of 2016, in this room, the former Director appeared before the Judiciary Committee, and I asked him I said based on various press reports that there might be an investigation of the Trump campaign and possible relations with Russian efforts to involve themselves in the campaign. Is there an investigation ongoing of the Trump campaign, and he said it would be inappropriate to comment one way or the other. He didn't answer the question, except by saying that. And I couldn't criticize that response.

Peter Strzok, a former FBI agent who has been criticized by some of the minority members -- excuse me, majority members of this committee, for various actions that he took, mainly emails to another FBI agent, people have said that he acted with bias in the investigation, both the Hillary investigation and the beginning of the Russia investigation, and he responded, among other things, by saying that if he had wanted to negatively affect the Trump campaign, he was one of the few people in the summer of 2016 who knew that there was an FBI investigation going on of the Trump campaign, and he could easily have leaked that information, and that would have had a deleterious effect on the Trump campaign, but it wouldn't enter his mind to do so, that it would have been wrong.

My question is, in light of all this, do you agree that, the FBI aside -- did not show any bias against the Trump campaign and, in fact, was Mr. Strzok's comment that had information been leaked by him or

anybody else about the ongoing FBI investigation, would that have negatively affected the campaign then going on?

Ms. Lynch. So with respect to that, I can tell you that I never saw any indicia of bias impacting the work of the FBI as it related to what has been called the Russia investigation, as it may have touched on people affiliated with the campaign. I also never saw any bias in their work as it touched on the email investigation either. As I said before, people come in to this world and to the Department with views and backgrounds and opinions. They check them at the door, and I think --

Mr. Nadler. It is correct, is it not, that it would be illegal for the FBI to inquire into the political opinions of people that it is considering hiring?

Ms. Lynch. You know, I don't know the specific answer to that. I certainly know that in the course of my career, I have worked with a variety of agents and investigators, and typically would have no idea of their political affiliation. Someone might make a comment at one point in time that might make you think they lean one way or the other, but in terms of impacting the work, people put that aside. And I think the facts frankly, as have been found by the IG and a review of how the work has been done, would show that the facts don't change. You know, you can have an opinion about it, but the facts themselves do not change, and that is what the work is based upon.

So I certainly never saw any issues or incidents of bias affecting any of the investigations at the Department when I was at its helm.

And certainly as we have discussed, public discussion of ongoing investigations can, in fact, lead to great harm.

Mr. Nadler. And would you agree that had the knowledge of the fact that the FBI was investigating the Trump campaign been made public during the campaign, either by Agent Strzok leaking it or by some other method, it might have had an impact on the campaign?

Ms. Lynch. I am only being careful because I don't want to characterize the work that was being done in the summer of 2016 as an investigation of the campaign. I just don't want to describe it in that way since it relates to ongoing matters.

Mr. Nadler. However it is described.

Ms. Lynch. But in terms of the work that was being done, and what has led to what is being called the Russia investigation and all of its permutations, had that become public, had there been leaks about that, I would have been incredibly unhappy. I am sure that the Deputy Attorney General would have been incredibly unhappy, as the Director of the FBI. And in our view, it would have had a deleterious impact on the host of issues, both within the Department, and certainly with respect to the people whose information may have become public.

Mr. Nadler. Thank you.

Mr. Krishnamoorthi. Thank you, Congressman. Attorney General Lynch, thank you so much for coming in, and thank you for your service to your country. I wanted to give you a chance to clear up the record regarding the maybe the most celebrated airport layover in the history of our country, your meeting with Bill Clinton on the tarmac in Phoenix.

First question is you described Bill Clinton, you know, arriving at the airplane at the entrance to the airplane. How many people were present for your conversation with Bill Clinton that day?

Ms. Lynch. Oh, so there were one, two, three, four -- I would say if you include myself and the former President, there were seven people on the plane and one person in the doorway.

Mr. Krishnamoorthi. Okay. So about a total of eight people that were present for this conversation, this 9- to 10-minute conversation between you and Bill Clinton?

Ms. Lynch. I wouldn't call them all present for the entire interaction. Two members of the flight crew spoke to former President Clinton somewhat separately from myself and my husband for about 5, 6 minutes. They were like one compartment back from us. He stepped back to speak with them. When he came out to speak to my husband and myself for about 8 or 9 minutes of the total time, I could see them in the plane, but they weren't sitting next to us. The pilot and copilot remained in the cockpit. I could see them in the plane, but they weren't sitting next to us, and the head of my security detail was in the doorway. Again, I could see him, but he wasn't sitting next to us.

Mr. Krishnamoorthi. Okay. So how many people were actually kind of witness to the conversation?

Ms. Lynch. I wouldn't be able to say what everyone saw. I certainly would think that several of the people that I have mentioned saw aspects of the former President arriving on the plane and talking

with different people in the plane.

Mr. Krishnamoorthi. Got it. You didn't walk to the back of the plane, just you and Bill Clinton, to have a private conversation, did you?

Ms. Lynch. No, no. Our conversation wasn't private at all.

Mr. Krishnamoorthi. And you didn't ask anybody to walk away from the conversation so that the two of you could have a private conversation?

Ms. Lynch. No, no.

Mr. Krishnamoorthi. And you didn't talk to Bill Clinton at that time about Hillary Clinton's email investigation?

Ms. Lynch. No.

Mr. Krishnamoorthi. And you didn't talk about any investigation at that time, did you?

Ms. Lynch. No, nothing.

Mr. Krishnamoorthi. And Bill Clinton, at that point in time, in the 9 or 10 minutes that you talked to him, did not instruct you to interfere or stop the Hillary Clinton investigation, correct?

Ms. Lynch. No, he spoke of nothing about that at all.

Mr. Krishnamoorthi. And, in fact, he didn't, at any time, whether on that plane or before that conversation or after that conversation, instruct you or direct you or tell you to stop or interfere in the Hillary Clinton investigation?

Ms. Lynch. He made no reference to it whatsoever.

Mr. Krishnamoorthi. Did anybody ever tell you to stop the



investigation or interfere in the Hillary Clinton investigation that was being conducted by the FBI?

Ms. Lynch. No, no one.

Mr. Krishnamoorthi. Did President Obama ever tell you to interfere or politically engage in stopping the FBI investigation of the Hillary Clinton email server?

Ms. Lynch. No. He and I never spoke about that investigation.

Mr. Krishnamoorthi. Okay. Let me switch to another topic. Jim Comey, in Comey part one, we had a couple interviews with him in this very room. In part one of his interviews, he testified that an investigation was opened into the New York field office of the FBI as to whether there were leaks coming from there with regard to the Hillary Clinton investigation. Were you aware of the opening of this investigation and of leaks?

Ms. Lynch. I was not aware that a specific investigation into leaks was opened. I was certainly aware of the Director's concern about leaks coming from the New York office, or potentially coming from the New York office, I should say, and I, myself, had concerns.

Mr. Krishnamoorthi. Tell me about your concerns.

Ms. Lynch. Well, my concerns related to the fact that leaks are harmful to any investigation. They are also harmful to the integrity of the institution and the trust that people have to have that we keep their information confidential as we go through an investigation.

I had seen press reports that purported to convey information that was coming from the New York field office. I had no way of knowing

if, in fact, that information was accurate or if that was accurately sourced, but having someone put that into the public domain was concerning to me.

As a general matter in other cases, I had concerns about leaks in some of the other cases that I was -- that I was closely monitoring. I had had information appear in the press that concerned private meetings that had been had at the Department, and I was very unhappy about that as well.

Mr. Krishnamoorthi. Sure. And with regard to those public press reports, were those the ones that concerned Rudy Giuliani's statements to the press?

Ms. Lynch. I recall -- my recollection is that I recall seeing former-Mayor Giuliani make comments that he attributed to having gotten from the New York field office in some way, but I don't recall the specifics of what he said. There also might have been written press reports. I don't recall with specificity now as I did then the specific sources of my concern, but I never liked seeing leaks, whether I was the Attorney General or the U.S. Attorney in Brooklyn. Leaks were potentially damaging to a number of cases.

As the U.S. Attorney in Brooklyn, I had had situations where we had to modify investigative actions because information had been leaked, and targets and subjects were taking steps to avoid either surveillance or being brought to justice, and so I was always very concerned about that.

Mr. Krishnamoorthi. And do you know what the results of that

investigation were into the leaks emanating from the New York field office of the FBI?

Ms. Lynch. You know, again, it wouldn't have been briefed up to me directly that we opened a specific investigation into this. I certainly conveyed my concerns and spoke to the Director about wanting it handled, so I was not aware that a specific investigation had been opened in late 2016, and so I don't know the results of any of that as I sit here today. I don't have a recollection if I was ever briefed on any results of that.

Mr. Krishnamoorthi. Okay. Last topic. The opening of the Russia investigation occurred, according to Mr. Comey, in July 2016. Were you aware of the opening of the Russia investigation?

Ms. Lynch. No, it wouldn't have been brought to my attention, again, specifically that a file had been opened and a number assigned to something. I would have been briefed on the issues. I would have been briefed with respect to just opening a counterintelligence case in general. I would be briefed on the issues. I would be briefed on the concerns. But, again, it wouldn't come to the Attorney General's level that on this particular date, we went into the computer and assigned a number and opened it and that sort of thing.

Mr. Krishnamoorthi. Okay. Thank you so much.

Mrs. Demings. Good morning, and thank you so much, Attorney General Lynch, for being with us here today. Also, I do want to thank you for your service to our country. You know, no matter how many times you appear before us here on Capitol Hill, we know that facts appear

to be pretty stubborn things. I am trying really -- I have tried really hard to get excited about Secretary Clinton's emails, or a casual conversation of then sitting attorney, you, Attorney General had with a former President about grandkids and coal mining and Brexit, golf, and those things. But as a former police chief, I am very concerned about your multicity police tours that you were doing, and thank you so much for those as we continue to try build relationships with our local, State, and Federal law enforcement.

I particularly also appreciate you representing, since I represent Orlando, visiting us during the Pulse nightclub shooting where 49 people, as you know, lost their lives. I really wish our time is so precious and so valuable that my colleagues on the other side would consider maybe doing a field hearing to Orlando or Newtown or Las Vegas to look at violence in America, as well as police community relations.

But today, since we are here, I am certainly very, very concerned about the relentless attacks on our institutions of justice. What we do know is that Presidents come and go, but our institutions have to stand. They cannot fail us. They are what this country has been built upon, as you well know, Attorney General. And I would just like to hear from you, what do you feel the Attorney General's role is in protecting the good order, protecting the reputation, ensuring the efficient and effective operation, protecting the credibility of the Department of Justice, your role as the Attorney General, and also, what role the President of the United States and Congress plays in that

process? Thank you.

Ms. Lynch. Thank you, Congresswoman. Well, certainly, during my tenure, I tried to represent the Department as not just an entity sitting in Washington, but one that was part of the fabric of the life of the American people, and that was a message that I tried to carry with me on my travels as I spoke to both community members and law enforcement members about their concerns. And as I found, and as I am sure you know from your prior work, most of those concerns are the same. They are so, so similar. Everyone wants a safe community. Everyone wants safe schools for their children. Everyone wants a growing, booming economy and a vigorous public life, and everyone wants to get home safely at the end of the day. But mostly, people who aren't fortunate enough to have that construct want someone they can call on in times of trouble. And for me, I was determined to make that the Department of Justice and to provide assistance to local law enforcement in that effort as well. That was very important to me as the Attorney General. Every Attorney General has their own set of priorities, and I would certainly hope that as we receive a new Attorney General, one who has a great deal of experience with the Department, that he would certainly continue in that, but again, that is up to every administration and every new Attorney General.

I was fortunate to have a strong partnership with the President and the administration in that view, and it has always been my hope that the administration writ large would always see itself as the administration that governs all of the people of this great Nation,

and not just a portion of them, that no matter how someone gets into office they then step back and realize the enormous responsibility of protecting the people of this great Nation, all of whom have different backgrounds and views and opinions, and I would hope that they would recognize, frankly, the beauty in that, and the fact that it is what makes us a wonderful, wonderful country and they would be supportive of all those efforts and open up our democracy for everyone, both in a participatory sense, as well as in a protective sense.

So I was fortunate enough to have that when I was in office, and certainly, it is my hope that that would be the goal to which future people in office would aspire.

Mrs. Demings. One of the things former Director Comey said during a recent visit was that he talked about the relentless attacks on the institutions, but he also said that we will all be sorry, those who stood silent, if they stood silent and watched it happen. He talked about the long-term damage to our country and its national security. What do you feel the role of Congress is?

Ms. Lynch. Well, certainly, I think that as we sit here today Congress has an important oversight role for a number of institutions, really all of the other institutions of government, and Congress has an important role to play in bringing transparency to the process and bringing accountability to the process, and making sure that the American people understand not just why their institutions are there, but how they work, when they work well, and when they don't, and how they will deal with those situations also. So I think Congress has

a very important role to play in that regard in shoring up our democracy, and in, frankly, opening things up for the American people in their representative capacity. It is something that I have supported certainly as Attorney General, and still do support.

So I certainly think that it is important that that process be carried out. But I think it goes beyond Congress. I think, again, people -- there are so many people of good will and strong faith in this country who believe in its ideals, but who, for a variety of reasons, do remain quiet and do remain silent, and frankly, I always think of Martin Luther King's Letter from a Birmingham Jail, where he spoke so movingly, not just about the problems incurred by people who did acts of violence against the civil rights movement, but the harm that was being done by those people of good will who sat silent, and who let things go on often in their name. That is something that has stayed with me throughout my career and not just in present moments, but throughout my time in government. And I think it is important that people recognize that every citizen does have a responsibility to educate themselves on the issues, to come to an opinion, to express that opinion, to participate in democracy, to support efforts to keep our democracy open and accountable. But frankly, I think for people of good will who may think that because they may not agree with hateful things that are said or negative things that are said, and they truly don't, they may feel that they have no role to play. They actually do have a very strong role to play, as well.

Mrs. Demings. Okay. Thank you so much. Again, thank you for

your service.

Ms. Lynch. Thank you.

[Recess.]



[1:42 p.m.]

Mr. Connolly. Welcome, Madam Attorney General, and we are glad to have you here. I'm Gerry Connolly. I'm a Congressman from the 11th District of Virginia, northern Virginia, and I serve as the vice ranking member of the Oversight and Government Reform Committee.

Could I begin by following up on Mr. Nadler's line of questioning? How long were you Attorney General?

Ms. Lynch. Approximately 2 years.

Mr. Connolly. Two years.

Ms. Lynch. A little under 2 years, yes.

Mr. Connolly. Two years.

During that time, did the President of the United States, President Obama, ever direct you to investigate someone or something?

Ms. Lynch. No, never.

Mr. Connolly. Never.

Ms. Lynch. Never.

Mr. Connolly. Would that be considered unusual at the Department of Justice, if a President did that?

Ms. Lynch. It would be considered an unusual event of almost meteoric proportions.

Mr. Connolly. Perhaps even inappropriate?

Ms. Lynch. Certainly in my view it would be inappropriate.

Mr. Connolly. For a President to say, "I want you to look into her and launch a full-fledged investigation, because I happen to believe she's done something wrong," simply not done.

Ms. Lynch. It is not done. If a President has concerns about misdoing or wrongdoing on anyone's part, they can convey that through the appropriate channels, but not with a view towards -- but, again, not with a view towards doing it for a purely political purpose. That has never happened in my time in the Department actually.

Mr. Connolly. And conversely, during that time, did the President of the States, President Obama, ever direct you to cease or interrupt or pause or conclude an investigation that was ongoing?

Ms. Lynch. No, never.

Mr. Connolly. Would that be considered unusual?

Ms. Lynch. Yes, it could be very unusual and inappropriate.

Mr. Connolly. And inappropriate.

Ms. Lynch. Yes.

Mr. Connolly. Why would it be inappropriate for the President of the United States, who's the head of the government, your boss, to tell you, "I don't want you looking at that"?

Ms. Lynch. Well, you do everything you can to avoid the appearance of a political thumb on the scale in an investigation, either pursuing it or in closing it. And that's at every level.

And so it's important that we certainly appreciated the support we got from the President in terms of policy, in terms of talking about important issues, of how to make this country safer, but we never got any direction one way or the other in terms of cases.

And that's important because the American people have to know that it doesn't matter who's in the White House, that if you have done wrong

you will be held to account, if you are going to be exonerated, you will be exonerated based on the facts and the evidence, regardless of who sits in that particular chair.

Mr. Connolly. So Mr. Comey was the FBI Director when you were Attorney General.

Ms. Lynch. Yes, he was.

Mr. Connolly. How would you have reacted if you had learned that the President of the United States, then Mr. Obama, had taken Mr. Comey aside and asked him to go easy on an ongoing criminal investigation involving a member of the administration, a senior member of the administration, and involving a foreign government?

Ms. Lynch. Well, it's a difficult hypothetical to answer, because I can't envision that happening. I believe that certainly had anything like that happened to the Director during the administration, I would hope that he would have come to either the Deputy Attorney General or myself and we could have engaged with the White House through the appropriate channels to dissuade that activity.

It's, again, it's a hypothetical that is -- it did not -- it didn't occur during my tenure, and certainly I am grateful for that.

Mr. Connolly. Thank you.

Earlier this year, two Republican Members of Congress were indicted by the Justice Department, Chris Collins of New York and Duncan Hunter of California, Mr. Collins because of insider trading charges and Duncan Hunter for illegal use -- alleged illegal use of campaign funds. They were also the first two Members of Congress to endorse

candidate Donald Trump for President.

On September 3rd, 2018, President Trump tweeted, and I quote: "Two long running, Obama era, investigations of two very popular Republican Congressmen were brought to a well publicized charge, just ahead of the Mid-Terms, by the Jeff Sessions Justice Department. Two easy wins now in doubt because there is not enough time. Good job Jeff," unquote.

Do you believe the Justice Department indicted Representatives Collins and Hunter for political purposes or because they're Republicans?

Ms. Lynch. No, I actually don't know if those cases were opened when I was still there or not. I would doubt just by the age. So I don't know those specific cases.

But knowing how public corruption cases are handled within the Department, certainly knowing that a grand jury handed down an indictment and that they are proceeding through the normal court process, I have no reason to doubt the integrity of those investigations and charges. I don't have specific information on those cases, however.

Mr. Connolly. So we have already established that it is unusual, highly unusual, and inappropriate for the President of the United States to direct the Attorney General or the head of the FBI to cease and desist with respect to certain investigations or ongoing indictments, pending indictments.

Based on what I just read, would you -- do we have a view as to

the appropriateness of President Trump's commenting on two actual indictments that are now going to go to trial, even though they are Members of Congress?

Ms. Lynch. Well, you know, I don't really comment specifically on what President Trump says or does, because I just don't have insight into his thinking or the issues around him.

What I will say is that once the Department brings charges, we rarely speak about them after that. And in my view, it's generally better if others in the executive branch do not comment on open cases.

Mr. Connolly. But, Madam Attorney General, this is the President of the United States specifically calling out by name your successor, then Attorney General Jeff Sessions, critically for indicting these two Members of Congress.

Ms. Lynch. I thought it was very unfortunate.

Mr. Connolly. Unfortunate?

Ms. Lynch. Yes.

Mr. Connolly. Would it also be inappropriate?

Ms. Lynch. You know, I don't want to characterize it. Again, as I said, I think it speaks for itself, quite frankly. I think it's an unusual situation. I think it's unfortunate when one leader in government openly criticizes another for simply doing their job. And, again, I try not to get into characterizing or commenting on the President's statements.

Mr. Connolly. In January of this year, The New York Times reported that President Trump directed the White House Counsel, Don

McGahn, to stop the Attorney General from recusing himself in the ongoing Russian investigation.

Would that be an unusual activity? I mean, would that have been unusual activity for a President of the United States to tell you to not recuse yourself if, in fact, the ethics folks at the Department of Justice told you, you had to?

Ms. Lynch. It would be unusual for the President to have that level of involvement in a recusal decision, particularly if the ethics officers of the Department had given an opinion that I was -- had committed to rely upon. It certainly would have been unusual.

Again, I don't know enough about the conversations with Mr. McGahn or what happened to really be able to characterize what happened there. Certainly, as reported, it was a very unusual thing for this President to do.

Mr. Connolly. Might it also be inappropriate for the President to direct the White House Counsel to direct the Attorney General not to do something involving ethics?

Ms. Lynch. Well, certainly as reported -- and again, I just don't know enough about the context of any conversations.

Mr. Connolly. I am reporting The New York Times

Ms. Lynch. But, as reported, it certainly was unusual and would raise concerns. It's something that I would not have expected to see.

Mr. Connolly. The President went on to say or pretty much imply the role of the Attorney General is to protect the President. Is that how you saw your role?

Ms. Lynch. I did not see my role in that way. And that's also an inaccurate description of the role of the Attorney General of the United States.

Mr. Connolly. I thank you.

I have seen my friend and the incoming chairman of the Oversight and Government Reform Committee, Mr. Cummings, has arrived, and I am happy to yield to him.

Mr. Cummings. Thank you very much, Mr. Connolly.

Good afternoon.

The FBI and the Department of Justice have been accused of conducting investigations driven by political bias instead of just the facts and the rule of law. During your tenure as Attorney General, were you aware of any FBI investigation motivated by political bias?

Ms. Lynch. Absolutely not.

Mr. Cummings. And were you aware of any Justice Department investigations motivated by anything other than -- I mean, any investigations -- by political bias?

Ms. Lynch. Absolutely not.

Mr. Cummings. On May 22nd, 2018, Republican Members of Congress introduced the House Resolution 907, requesting that the Attorney General appoint a second special counsel to investigate misconduct at the DOJ and the FBI.

That resolution alleged, and I quote: "Whereas there is an urgent need for the appointment of a second special counsel in light of evidence that raises critical concerns about decisions, activities,

and inherent bias displayed at the highest levels of the Department of Justice and the Federal Bureau of Investigation regarding FISA abuse, how and why the Hillary Clinton email probe ended, and how and why the Donald Trump-Russia probe began."

Do you think that there was inherent bias at the highest levels of DOJ and the FBI regarding FISA abuse?

Ms. Lynch. I have not seen bias at any level of the Department, including the FBI, involving FISA, the FISA process. It is actually a somewhat cumbersome process and many, many layers of review, and it is totally fact based.

Mr. Cummings. Are you aware of any evidence of inherent bias displayed at the highest levels of DOJ regarding how and why the Hillary Clinton email probe ended?

Ms. Lynch. Absolutely not.

Mr. Cummings. Are you aware of any evidence of inherent bias displayed at the highest levels of the DOJ against Donald Trump as part of the Trump-Russia investigation?

Ms. Lynch. No, I'm not.

Mr. Cummings. Are you aware of any actions --

Mr. Lynch. But I don't have insight --

Mr. Cummings. I'm sorry, were you -- I'm sorry.

Ms. Lynch. I'm sorry. I was going to say I don't want to go into what the special counsel is looking into. I don't have insight into further aspects of that. But certainly I have never seen political bias impact any of those matters.



Mr. Cummings. Are you aware of any actions ever taken to damage the Trump campaign at the highest levels of the Department of Justice?

Ms. Lynch. No, absolutely not.

Mr. Cummings. Are you aware of any actions ever taken to personally target Donald Trump at the highest levels of the Department of Justice?

Ms. Lynch. No, I'm not.

Mr. Cummings. At a campaign rally in August, President Trump said, and I quote: "Our Justice Department and our FBI have to start doing their jobs and doing it right, and doing it now, because people are angry. People are angry," end of quote.

At another rally, in September, the President said, and I quote: "Look what is being exposed at the Department of Justice and the FBI. You have some real bad ones. You see what's happening at the FBI? They're all gone and they're all gone, but there's a lingering stench, and we are going to get rid of that, too," end of quote.

Do you agree with the President's characterization that the DOJ and the FBI are not doing their jobs?

Ms. Lynch. No, I do not.

Mr. Cummings. One of the people who is now gone from the Department is former FBI Director James Comey. I understand that you may not agree with every decision the Director made, but in general what is your view of Director Comey's integrity and credibility?

Ms. Lynch. Well, I have actually known the former Director for a number of years. We were both young prosecutors together in New York.

We worked together on a case that spanned both of our offices for a time. So I have known him and have always had a positive working relationship with him over the years.

Mr. Cummings. And so what is your view of Director Mueller's credibility and integrity?

Ms. Lynch. I have also had occasion to work with Special Counsel Mueller in his time as the Director of the FBI during my tenure as United States Attorney in Brooklyn. I have also had occasion to work with him when he was the United States Attorney in San Francisco and also had some acting positions in the Department of Justice at the very beginning of the Bush administration.

And from what I have observed -- I also had occasion to observe the work he did running the Enron investigation -- he's of the highest integrity, the strongest work ethic that many of us have ever seen, and he's completely committed to an apolitical review of any matter in front of him.

Mr. Cummings. Does it concern you that the President of the United States is trying to smear and undermine the credibility of the investigators and the litigators at the Justice Department?

Ms. Lynch. Well, I think what's concerning is that the President seems to see a separation or a different role from his role in government and that of the Department of Justice or the FBI or any other government agency. That's different from what I have seen from other Presidents. It's not correct. We're all working on the same team.

And I would prefer to see more support for our institutions and

an acceptance that a fair process of investigation is what every American is entitled to and deserves to see, whether they are involved in it as a bystander, a witness, or a subject or a target.

Mr. Cummings. Finally, what impact might the attacks have on the -- that is Trump's attacks -- have on the Justice Department overall and the rule of law?

Ms. Lynch. You know, whenever we're in a situation where the Justice Department is perceived of as not being independent or being politicized in some way, and we, unfortunately, have seen that in the past, it has a great impact on even small cases out in the field. People don't trust what the Department has to say. Jurors don't trust that the government is bringing a case before them that's fairly done, that's accurate, that hasn't been somehow tainted in a way. So we see that coming up at times.

The bench, judges sometimes aren't sure whether they can take the Department of Justice at its word when you make a representation before them. People overall feel that when an institution like the Department of Justice, including the FBI, are weakened, that somehow they won't be treated fairly.

And when people come before the Department, it is often at the most difficult time of their life. They have been victimized in some way, they have been harmed in some way, they have a concern in some way that's totally outside their realm of experience. And they come to the Department and they trust that people there are going to pick up that matter and look at it fairly, objectively, independently, and

say: Look, this is what's going on.

They may not like the result. I've had a number of cases where I've had to tell people: We're not able to give you what you came in here asking me for, but here's how we made that decision. And when they left my office, they said: I may not agree with you, but I accept what you did because you've been clear and open and transparent with me throughout.

People have to have that faith that the system will work for them and that it will work equally for them.

Mr. Cummings. And how does that affect our national security?

Ms. Lynch. Well, certainly, when it comes to national security, which is of the greatest importance to the Department of Justice, we have to be able to step out on to the international stage and build and maintain the relationships that we have that have worked to keep us safe for so long. People must be able to take this country and the Department of Justice at its word when we commit to something. They have to be able to share sensitive information with us, knowing that it won't be compromised, that it will be held safely and security and used appropriately. So in terms of national security, we also have to make sure that every citizen is invested in that also.

We have seen, sadly, a number of domestic attacks in this country. And one of the things that we spent a great deal of time working on during my tenure at the Department, both as Attorney General and United States Attorney, was building strong community connections so that we could effectively work cases within communities that didn't always

trust this Department, whether those were -- whether it was minority communities within this country, whether it was recent immigrants. That's vitally important as well.

So it's on the international stage, as well as on the literally local stage, that we have to have faith in the integrity of these institutions.

Mr. Cummings. Well, Madam Attorney General, I want to thank you very much. I want to thank you for your service. When you talk about reaching down and touching everybody, you certainly have touched the community in Baltimore tremendously. You were there.

Ms. Lynch. Thank you.

Mr. Cummings. And throughout the country.

And I say to my constituents, we are in a storm right now, but we will get through the storm. People like you who stand up all the time with integrity, fairness, and honesty and transparency and a demand for accountability, if we could just follow your example, our country would be fine.

Ms. Lynch. Well, thank you, sir.

Mr. Cummings. Thank you very much.

Ms. Sachsman Grooms. Let's go off the record.

[Recess.]

[2:00 p.m.]

Mr. Somers. It is 2:00 p.m., and we'll go back on the record.

BY MR. SOMERS:

Q When we spoke in our last hour we had gone through, I believe, two -- Director Comey said there were three factors that led him to make the July 5th press announcement. I think we've gotten through two of them, the whole dispute about the matter, the tarmac meeting.

And then I think the third factor, he said, he expresses, he believed there were emails between the Democratic National Committee and the Department of Justice that compromised the Department of Justice. He described them as unverified materials that would undoubtedly have been used by political opponents to cast serious doubt on the Attorney General's independence in connection with the Clinton investigation.

Are you familiar with this material?

A I'm familiar with the topic. I don't recall the characterization that you just gave it, that Director Comey talked about emails between the Department of Justice and someone. I'm not familiar with it in that sort of characterization, but I am familiar with the topic.

Q The topic, the third area?

A Yes.

Q And you are familiar that there were some materials that he thought compromised you, verified or not?

A I'm familiar that that's what he has stated.

Q Yes, okay. But you're not familiar with the actual -- existence of actual material?

A So without going into something that may be --

Q I'm not asking you what the content of it was, just whether --

A Right. I'm aware that -- I have learned subsequent to -- subsequent to the email investigation, actually, that he was aware of some materials. But I did not know that he had any concerns about them for some time. I can't recall when I was made aware of that.

Q And I believe it's been reported that you were defensively briefed on the content of these emails. Is that accurate?

A What I can tell you is I received a defensive briefing about some material in the late summer of 2016, simply as a defensive briefing, but with no characterization of any concerns raised by anyone and nothing that gave me cause to think that it was considered a valid investigative matter by anyone.

Q So there was no reason for you to recuse yourself based on these -- obviously, you can't talk about the content of them -- but no basis to recuse yourself based on the content of these emails?

A At the time I was considering recusal, I was completely unaware of the issue that you're referring to. I only learned of it several months after the investigation was closed.

Mr. Goodlatte. Would you clarify? You said the summer of 2015. Do you mean 2015 or 2016?

Ms. Lynch. Thank you. I meant 2016.

BY MR. SOMERS:

Q No, I mean, but you had the one recusal that you considered based on the tarmac meeting. Did you ever separately consider recusal based on this, these email -- this material?

A Nothing was presented to me that rose to the level of recusal based on this. There was no -- there was nothing open at the time that I was defensively briefed on it, and it wasn't presented to me as something that was considered either accurate or worthy of investigation.

Q And along the lines of -- I don't know if it's along the lines of recusal -- did you ever consider appointing a special counsel in the Midyear Exam investigation?

A I received a number of requests from different Members of Congress, both the House and the Senate, to consider the appointment of a special counsel in the Clinton email investigation. Some of those requests came fairly early, I think in the fall of 2015. And I recall receiving requests possibly from the Senate sometime in the spring of 2016, no specific dates.

So I received a number of requests. And so those requests were made known to me. Letters to the Attorney General will come in through the Office of Legislative Affairs, obviously, but the issues are conveyed to me.

And so I knew that it was a request that had been made by more than one Member of Congress. And certainly I thought that one always has to be cognizant of potential issues around sensitive matters. Nothing rose to the level of requiring a special counsel during my



tenure as Attorney General and during my oversight of that case.

Q Did anyone in the Department or the FBI raise the prospect of --

A I didn't have discussions about the special counsel issue with anyone at the FBI, that I do recall. I don't --

Q Including the Director, just to be clear?

A Well, that would be FBI?

Q I just want to -- because he has testified that he at least spoke about or considered, vocalized the opinion that maybe a special counsel should be appointed. So I just wanted to see if he vocalized --

A To me?

Q No, I'm not saying he said to you.

A I see.

Q I just wanted to make sure, whether it was to you or not. That's my question.

A He and I had no conversations about that. I did not have conversations with anyone at the FBI about the need for a special counsel, nor would I generally, because it's really a matter -- it's a legal and policy issue. But certainly if someone had a concern they could have brought it to my attention.

And if I had discussions, they would have been at the Department. I can't recall having specific discussions or asking for research on it, but I was certainly always aware of the issue. I certainly was aware of the current configuration of the special counsel statute, how it's changed and how it was when it was in effect during the 2015-2016

years. And so I was aware of those requirements and did not see the need for a special counsel.

Q Just to go back, I think we're going to probably switch topic here, but I wanted to ask one more question about something you said in the last round.

You mentioned that there -- and I'm paraphrasing, so correct my characterization of your testimony or my misstating of your testimony possibly -- the FBI and DOJ, they were in dispute, or there was a dispute about a laptop with Clinton's counsel, either between the FBI and DOJ with Clinton's counsel, and that you knew who that -- you were friends with or knew that counsel. Is that correct?

A No, no. My recollection is there was no dispute between Secretary Clinton's counsel over any forensics or electronics or devices. I was never made aware that there was a problem obtaining electronic devices or evidence from Secretary Clinton or her counsel.

My recollection is that in the spring of 2016 an issue was brought to my attention that two other witnesses in the investigation had laptops that we thought might have some relevant information on them. They were not in the first tier of things reviewed. But certainly there was a possibility, we wanted to review them.

And their counsel, who was not shared by Secretary Clinton, was asking a lot of questions about why and expressing concern about it. I don't recall the specific issue she was raising now beyond privilege. There may have been, I just don't recall. And that lawyer was someone that I had known and worked with in the past.

Q And did you speak to this lawyer about this dispute?

A No.

Q I'm just wondering how it was brought to your attention. It seems like a very particular --

A There was a possibility of litigation. And so in a case that would gather a lot of publicity, there would be a lot of interest in that, it would be public litigation, most likely, given the nature of it. It would have been, as I recall, just over the level of access we could have, two laptops. Not unusual litigation, but the possibility of litigation was something that got raised. And the team -- the prosecutive team felt that I and the Deputy Attorney General should be aware that this issue was floating out there.

Q Have you reviewed, looked at, read any news stories about the Peter Strzok and Lisa Page text messages?

A I haven't sought them out. I certainly saw the stories when they were very, very active sometime last summer and last fall. But I never sat down and read them.

Q Do you have any opinion about whether, I mean, to the extent you read any of the stories, about whether those text messages were proper for FBI employees, the biases that possibly were shown in those text messages, the content of the text messages?

A Well, again, based on my recollection of what was in the stories, in the news stories about the messages, certainly they would give concern, I think. And I think they did give concern to -- I'm sorry -- to Bob Mueller.

But I don't know enough about those individuals to comment beyond that. I mean, there's certainly a host of issues presented by them, there's personal issues, you know, involving their personal relationship, which is, I think, separate from what you're talking about, and I don't want to characterize that.

In terms of their professional issues, I think those are the types of things that you would expect the Department to take seriously and to review, which I think has been done or is being done. I don't know the status of that review at this point. I just have not kept up with that.

So you would want that to be something that you would review. You would want to make sure that individuals, while they were expressing their own personal and possibly political views, did not bring those into the matters that they were working on.

BY MR. BREITENBACH:

Q Ma'am, did you have any indication or did anyone bring you any evidence of those text messages between Peter Strzok and Lisa Page while you were Attorney General?

A I never heard of the issue until the summer after I stepped down, summer of 2017, I believe.

Q Before you stepped down or after?

A After I stepped down. I never heard of the issue while I was Attorney General.

Q Okay. Real quick, just we have had a lot of discussion with prior witnesses about the legal standard that apparently the Department

of Justice needed to see in order to bring charges against Secretary Clinton.

We have been told multiple times now there was a need to find an intent standard, that whether it comes in the form of a smoking gun where Secretary Clinton had set up a private server for the sole purpose of sending classified emails or whether it had come in the form of an email that Secretary Clinton says, "I'm doing this to avoid such and such."

Barring finding that level of evidence showing specific intent on the part of Secretary Clinton, was there another standard that you ever considered with regard to charging Secretary Clinton for mishandling of classified information?

A So let me just, just to back up a bit. With respect to people who could potentially have been charged as a result of the email investigation, I'm sure you're aware, it wasn't just Secretary Clinton, there was a group of people, because always one does not send emails to oneself.

So I think the investigation appropriately looked at the universe of people who were involved in dealing with material that the State Department was sending back and forth via its email system and over Secretary Clinton's system.

And I just give you that clarification, because whenever it's discussed, people discuss it as if she was the only person involved in this, and it is really sort of an inaccurate representation of how the Department does these types of cases.

Certainly with respect to how the contours of the case were configured from the beginning, as I think I mentioned earlier, you look at the issues and you look to see what possible types of statutes apply there. And my understanding, based upon the presentation of the lawyers at the end of the case, was that they did look at several very specific statutes. I forget now whether it was three or four.

But that information is probably available to you just from the documents that came about during the end of the investigation, and they analyzed the elements of the statute, including the willfulness and knowledge standards presented by each one, and determined they weren't present in the facts that they had found.

And their presentation was clear, and it was thorough, and it was -- there was really no doubt about it. I can't, as I sit here now, though, go through the specifics of what they found with each statute with you. I would need to have that memo in front of me, and I don't.

Q Sure. Now, in your own thinking of the case, what type of evidence would you have needed to see in order to meet that, as you mentioned, the willfulness -- a willfulness standard with regard to Secretary Clinton's behavior?

A You never limit yourself in any case to saying, "I must find this one type of evidence or I cannot go forward," because you may have circumstantial evidence, you may have direct evidence, you may have testimonial evidence. So whenever you're doing an investigation, you're open to bringing in all of the relevant facts --

Q Well, let me just be specific. So with regard to the

numbers --

A -- regardless of what type of evidence that they are.

Q I'm sorry. With regard to the numbers of classified emails that were sent, I believe the final indication had been 110 chains, I believe, of emails, classified emails, not the specific emails themselves, but chains of emails that had been considered classified, including top secret, and some dealing with special access programs, which are among the most highly classified subjects of our country.

Would an analysis have been done with regard to the numbers of classified emails in determining whether there might have been an intent standard met in this case?

A You know, I'm not able to go back and outline for you which factual components of the case matched up with which elements of the statute. I just don't have that recollection right now.

Certainly, I know forensically there was a lot of analysis done and a lot of review of a lot of emails. And I have to accept your representation as to the numbers also because I don't have an independent recollection of the numbers of relevant chains that you're discussing. And I'm just not able to go back right now and say when we looked at the specific element of the statute here's how this stacked up. I could have been closer in time, perhaps, but now I don't have that memory.

What you would look at, obviously, is, as with any statute, just in the general sense, when you are trying to prove someone's intent, you look at their actions. You look at what they do and you look at

what they say. You look at the number -- the people around them and how they communicate. And you also look at, how has the Department charged these cases in the past? What have the courts said? Are there requirements there? What has held up in court? What has not held up in court?

So just as a general matter, you would always -- you would certainly look at actions, words, and forensic evidence. But I'm just not able to give you a specific answer on that. I'm sorry.

Q Did anyone ever --

Mr. Biggs. Ms. Lynch, may I ask you a question on this? You're referring to a culpable mental state of intention, intentionality, right? But in reality, you didn't make the decision to charge or not charge. That was ostensibly made by Mr. Comey. And in his July 5th, 2016, announcement he elevated -- there's no intent standard in any of the statutes that he referred to, but he changed the language actually for his public release and his letter that went out to include that culpable mental state.

But in reality, you didn't make that charging decision, ostensibly, it made it sound like, from on July 5th, 2016, by Mr. Comey. Is that fair to say?

Ms. Lynch. No, I wouldn't say that.

Mr. Biggs. So you made the charging decision. Is that what you're telling us?

Ms. Lynch. Yes. I accepted the recommendation and made the charging decision.



Mr. Biggs. When did you make that?

Ms. Lynch. On July 6th.

Mr. Biggs. On July 6th.

So Mr. Comey would then be in error when he was asserting that he was the one who kind of took it out of your hands.

Ms. Lynch. I don't know which statement of his you're referring to, so I can't characterize it.

Mr. Biggs. Did you also agree with him that the culpable mental state standard was intent --

Ms. Lynch. To what?

Mr. Biggs. Did you agree that the mens rea requirement was intent as opposed to knowing or willful or reckless, which is exactly what it says in the statute?

Ms. Lynch. I have to say, Congressman, I didn't view Director Comey's July 5th statement as setting forth the ultimate legal analysis in the case. I viewed -- I took the ultimate legal analysis in the case from the prosecutors who made the presentation to me on July 6th.

Mr. Biggs. And what culpable mental state did they use in their analysis?

Ms. Lynch. I'm sorry. Say that one more time.

Mr. Biggs. And what culpable mental state did they use in their analysis?

Ms. Lynch. What --

Mr. Biggs. Culpable mental state, mens rea requirement. What did they use in their analysis of the case that convinced you that there

would be no need to prosecute?

Ms. Lynch. My recollection is that they outlined the statutes that they considered. Again, I can't recall if it was three or four. And they went through the elements of the statute, including the state of mind requirements for each relevant statute.

We looked at the evidence that would show the individuals under consideration and their state of mind, and they outlined for me their view as to why it had not been met with respect to moving forward with a criminal case?

Mr. Biggs. Including -- what culpable mental state did they use? Do you recall?

Ms. Lynch. I'd have to look at the statutes again.

Mr. Biggs. That's fair, it's been a while. So I don't have a problem with it.

But the other question that I will end on is, did Mr. Comey's statement have any influence on you in your charging decision?

Ms. Lynch. It had an influence on me in that it outlined what the investigators had done. The statement was wide-ranging and covered what the investigators had done and also talked about a legal analysis that he and his team of lawyers at the FBI had performed. And so with respect to the investigative work that was done, that was, I thought, highly relevant to me.

The legal analysis --

Mr. Biggs. And did you divorce yourself then when -- in his analysis he changed and he has admitted publicly that he changed the

statutory standard of culpable mental state. He increased it to intent. Did that have any bearing on it, on the analysis that you undertook?

Ms. Lynch. No, it actually did not.

Mr. Biggs. Okay. So you're telling us today that the only thing that had bearing, at least what Mr. Comey provided to you, was the actual investigation with regard to facts on who was using the server, who set it up, those types of facts. It had nothing to do with essentially the legal analysis because that's where you went to your legal team. Is that fair to say?

Ms. Lynch. That's fair to say. Certainly I listened to his comments and questioned them. But when we were all in my conference room the next day and I was going around the room soliciting input, when I came to the Director I asked if he had anymore to add about the investigative either techniques or issues in the case or any disagreement with what the prosecutors were saying. I felt that the legal analysis that the lawyers provided was thorough and thoughtful and very, very deep.

Mr. Biggs. Was it consistent with Mr. Comey's legal analysis, not the factual analysis but the legal analysis?

Ms. Lynch. As I sit here today, I couldn't match the two up to give you an answer on that. I'm sorry.

Mr. Biggs. Thank you.

Mr. Goodlatte. Let me follow up on that, too.

So what was your reaction when Mr. Comey made the statement that

no prosecutor would do this? I mean, again, he's usurping the responsibility of the Department of Justice to make the decision by announcing his conclusions to the public the day before. What was your reaction to that?

Ms. Lynch. To that portion of what he said?

Mr. Goodlatte. Yes.

Ms. Lynch. Well, I certainly thought he was expressing an opinion as to what he thought the legal team would also say. I did not know whether he was basing it on his --

Mr. Goodlatte. Do you think it was appropriate for him to announce that to the world?

Ms. Lynch. Let me just finish that. I did not know whether he was basing it on conversations he'd had with the team or had been reported up to him at that point in time. I didn't have any knowledge of that. And, in fact, I don't believe that he was.

So when I heard that, I viewed it as an expression of opinion. And for me the concern it raised was that I had not heard from any of the prosecutors on the case. And so he may have an opinion as to what a reasonable prosecutor would or would not do. We ultimately may or may not agree about that. But it wasn't dispositive to me at that time.

Now, I think, as I said before, I did not know whether or not he had spoken to the prosecutors or had any input with them, so I didn't know what it was based on at that point in time.

Mr. Goodlatte. When you met the next day, he was present?

Ms. Lynch. Yes, he was.

Mr. Goodlatte. And the prosecutors that were giving you legal advice on this were as well?

Ms. Lynch. Yes, the prosecutors who had conducted the investigation were present, supervisors as well as the line prosecutors.

Mr. Goodlatte. Was there any reaction to him having made a public statement the day before that to most of the world was dispositive of the issue before the Attorney General actually had the opportunity to do what the Attorney General is responsible for doing?

Ms. Lynch. When we were in my conference room the following day we were focusing on the issue at hand. I can't speak to what reactions there were outside of that conference room or that may have been expressed between the team members. I wasn't privy to that.

Mr. Goodlatte. But not around that table --

Ms. Lynch. No, we didn't --

Mr. Goodlatte. -- no one said, "You shouldn't have done that yesterday"?

Ms. Lynch. No. I focused on the issue at hand. I thought -- I didn't think it would be helpful to shift that focus from actually resolving the case back to the events of the day before.

Mr. Goodlatte. Thank you.

BY MR. BREITENBACH:

Q And just following up on Congressman Biggs' questions on the legal standards to close this out.

So we've already spoken about willfulness and knowledge as being a couple different standards that were considered by the Department and considered by you in determining whether there was any culpability for Secretary Clinton.

We are aware and we know that there were other discussions related to the topic of gross negligence, a standard under 18 U.S.C. 793(f) for mishandling of classified information. We have been told by other witnesses that there was really no way that the Department was going to charge 793(f) for a couple of reasons. One, it was an old statute, that it was originally -- the Espionage Act itself was originally passed in 1917, but that this particular statute had only been charged once or so in 100 years.

I don't know if that's necessarily a standard as to how many times a particular statute's been used in prosecution as to the sufficiency of that statute in law. But was 793(f) ever considered by you as a particular standard?

A You know, again, I'd have to go back and look at the information that was presented to me. It certainly could have been, I'm not saying that it wasn't, only because I don't have the specific recollection right now of the code numbers that were presented.

If it had been presented --

Q Well, without even considering code numbers themselves, the

idea of gross negligence, something, a standard that is lower in terms of intent, it's not specific intent, and it's not simply knowledge, but a negligence standard. Was that in your thinking or rationale with regard to whether there is potential culpability?

A What I can tell you is that with respect to the relevant statutes that were presented to me, if it included a standard that would have touched on gross negligence, we would have had a discussion about that. I can't, as I sit here now, recall enough about it to give you an accurate enough statement to really help with that. And I just don't want to speculate as to what we may have said.

What I can also tell you, though, is that with respect to any statute that expresses a specific level of intent, however it is couched, whether it is willful, whether it is gross negligence, or the like, the things that we would look at as a Department would be not necessarily the age of the statute -- and that's of interest -- but mostly because it tells you the policy behind the statute, the same way one looks at, for example, legislative history, tells you the policy behind the statute, what the intent of the crafters were, those of you who work on these things all the time, what you were trying to cover and what were you trying to encompass.

It's relevant as you may look at case law that has developed over the years to see how that case law has changed. Interpretation of statutes changes all the time.

Q Well, speaking of --

A So you're right that age wouldn't be dispositive, but

certainly the life of a statute might be. You'd look to see what have courts required the Department to provide to meet that element in the past.

Because it's not just the lawyers sitting there. If a statute does have a history, you want to know what's been upheld and where have you lost before, quite frankly, if you've presented that or any other statute.

And, again, I'm just speaking generally because I just don't have that one in front of me.

You'd want to know, for example, what did -- not just legislative history, you'd want to know what the courts have said. You'd look at previous times you charged it. That's another time when the age would be relevant. But, again, the age wouldn't be the dispositive factor there.

Q Well, as I'm sure you're aware, that this discussion with regard to gross negligence is important for our purposes because the term that was eventually used in Director Comey's final statement was "extremely careless" or something like that.

And if you do not recall being specifically presented with a legal standard of gross negligence, yet a comparable term was used in the final statement, I think that might be -- is that indicative of the argument that gross negligence had been met not being presented to you?

A I think there's some -- I think you're just merging a number of times and issues there. If the statutes that we were considering had gross negligence as a standard, then they would have been presented



to me. I just don't want to misstate here in terms of my current memory and say yes or no and give you something that's not accurate.

In respect to the Director's use of "extreme carelessness," again, I think you have the statement in front of you, my recollection is he was using that to describe it in a way of almost sort of describing the behavior. I did not take that as a legal standard that he was promulgating when he was stating that on July 5th.

Q We understand that --

A And certainly since that occurred before July 6th, I am not quite sure how to help you with the rest of your question. Maybe you can give me some more context.

Q Well, you mentioned legislative history. Were you ever presented any legislative history during this period of discussion whether a particular statute was met by Secretary Clinton's --

A I'd have to go back and see the materials that I was presented with on that day. That wouldn't be the only --

Q But you don't recall the legislative history of the Espionage Act?

A Well, that wouldn't -- again, that would not be the only issue in terms of whether or not the standard had been met. You always start with, what do the facts show?

Q I understand.

A What happened? What happened here and what does it mean?

And so as you go from there, you say: Does this statute apply? Does that statute apply? Here's the standard we have for the first

statute, the second statute, the third statute -- again, the ones that we were considering.

Q Understood. We've just -- we've heard heavy reliance on the legislative history of the 1917 Espionage Act as providing rationale as to the staleness of the gross negligence statute when being considered as a potential standard that had been met in the Hillary Clinton email investigation.

So if by the fact that we have heard this numerous times now in our prior interviews and that with regard to the legislative history, and if we're hearing that the legislative history had been so heavily relied upon, yet you don't recall being presented that legislative history, I'm just trying to understand where in the Department of Justice that final decision was made to indicate that gross negligence would not be considered as a particular standard --

A Let me be clear --

Q -- and charge Secretary Clinton.

A Let me be very clear. Legislative history does not relate to the issue of the staleness of a statute. It relates to the issue of what is the purpose of the statute. That's what I was trying to express, perhaps not as clearly as I should have earlier. So I just want to clarify that.

Every statute has legislative history. One often refers to it in a host of cases, a host of issues. It is often quoted. Civil rights statutes are probably the most prominent times that we talk about legislative history and talk about why statutes were crafted, et

cetera.

So, again, I just want to make sure that I am answering you as clearly as I can. It's not the age of the statute that the legislative history informs you about, it's the purpose of the statute, it's what did the framers who wrote it intend for it to encompass, whether it was drafted in 1917 or 2017.

Q Thank you.

A With respect to whether or not that was presented to me on July 6th, again, my view is that if it was an element of the statute that we were considering, if it informed a review of whether or not that element had been met, I believe that it would have been, but I can't tell you that my memory today encompasses that.

There are documents that encompass, there are memos that encompass what we talked about that day. You may have talked to people whose recollections are better than mine. I just don't want you to take from my saying I don't remember that it did not happen. I don't want to give you that misimpression.

Q Did you say that you believe it would have been met?

A No. It would have been -- if it was a relevant issue, it would have been presented to me and discussed. If it had been met, that's something that would have been presented and discussed as well.

When we went through the elements of the statute, there was consensus around the room, and not just in the legal analysis but in the discussion that we were having, that the elements of the statutes under consideration, all three or four, again, had not been met.

Mr. Biggs. Can I just? You mentioned that you were given documents and a briefing of this. Any chance we can get ahold of those documents for review?

Ms. Lynch. I don't have anything, so I can't answer that question.

Mr. Biggs. The Department's been singularly uncooperative. So thank you.

Ms. Lynch. I certainly did not take anything with me. But certainly when we were talking around the room, we were looking at documents and certainly considering statutes and the like. And, again, just to be clear, because I don't remember, please don't take that it did not happen. I just don't want to misstate before this group.

Mr. Biggs. No, I understand that, and I'm not trying to put you -- I mean, a lot of things have -- a lot of water's crossed under the bridge since, and that's for sure, in a lot of things. I know that there's documents. You mentioned a memo that was prepared for your review. And I was just inquiring whether we could get ahold of that. I realize it's probably not in your custody -- unless it is in your custody, and then we'd like to --

Ms. Lynch. No, I have nothing from the Department.

Mr. Biggs. Thank you so much.

Mr. Jordan. Ms. Lynch, when did you learn that an investigation had been opened into possible ties between the Trump campaign and Russia?

Ms. Lynch. Congressman, can you step forward?

Mr. Jordan. I'm sorry about that.

When did you first learn that there'd been an investigation opened into possible ties between the Trump campaign and Russia?

Ms. Lynch. So, Congressman, speaking generally -- and, again, as I mentioned with the group before, my only concern is I don't want to say that there was an investigation opened into the Trump campaign per se -- but as we look at the constellation of things that have come to be known as the Russia investigation, things were brought to my attention in 2016, I believe it was the spring and throughout the summer, of various issues about Russia's attempts to interfere in our electoral process.

Mr. Jordan. It's fair to say the spring of 2016? Can you give the month?

Ms. Lynch. Not as I sit here now. But my recollection is that it would have been some time in the late spring of 2016 that information was brought to my attention, very generally.

Mr. Jordan. Who brought you the information?

Ms. Lynch. It would have been from the FBI.

Mr. Jordan. Who at the FBI?

Ms. Lynch. My recollection is that it would have been the Director and Deputy Director.

Mr. Jordan. Director Comey and Deputy Director McCabe?

Ms. Lynch. Those are the two gentlemen, yes.

Mr. Jordan. Director Comey and Deputy Director McCabe brought

you information about the Russia investigation in the spring of 2016?

Ms. Lynch. I wouldn't -- again, and the reason why I'm just being careful is in terms of what we call the Russia investigation, I don't want to misstate it. And I also want to be careful in terms of the classified issues presented.

Mr. Jordan. Does the Department of Justice need to be involved to initiate an investigation?

Ms. Lynch. Into what?

Mr. Jordan. Into Russia. Did you guys need to be involved or was it already started and they brought it to your attention? How does it process-wise work?

Ms. Lynch. I can't tell you exactly when the underlying investigations were officially opened in the computer system. That doesn't come to my level. So I wouldn't be able to say.

Mr. Jordan. I'm just trying to understand, when they brought it to your attention, Deputy Director McCabe, Director Comey brought it to your attention the spring of 2016, did you have to give them some kind of okay, did you have to give them some kind of authorization, or they were already full steam ahead?

Ms. Lynch. This was presented to me as information that -- information that they were aware of and wanted me to be aware of. It was not an action item in that sense. So there was no request for action. It was information only.

So, again, I did not provide any kind of direction, but I was not asked to, and it wasn't an issue that required it.

Mr. Jordan. Okay. Who from the Department of Justice was involved with the investigation? You learned about it in the spring of 2016. Who from DOJ was directly or actively involved in it?

Ms. Lynch. Again, just to clarify, I would not say that I learned of an investigation in the spring of 2016. I learned of information about the issues. But when the investigation was actually opened, I wouldn't be able to tell you.

Mr. Jordan. When did you learn that it was named Crossfire Hurricane?

Ms. Lynch. I don't know when I would have learned that. I just -- it wouldn't have made an impact on me enough to remember when or if I did. I just don't know.

Mr. Steele. Do you know Christopher Steele?

Ms. Lynch. I do not.

Mr. Jordan. Never worked with him, never met him, never communicated with him?

Ms. Lynch. Not to my knowledge or recollection, no.

Mr. Jordan. Did you know that he had worked with the FBI in several times prior to his involvement with the dossier in the Russia investigation?

Mr. Weinsheimer. I would object to that question to the extent that it could reveal classified information potentially. Maybe if you could rephrase the question.

Mr. Jordan. It's been widely reported that Christopher Steele was a confidential human source with the FBI and other work and that

he's the author of the dossier. I'm just trying to figure out what basis, what kind of knowledge the Attorney General, Attorney General Lynch, had of that situation.

Ms. Lynch. I just want to make sure that I'm -- - that we're clear on the question.

Okay. I was not -- I don't know Mr. Steele and didn't have any knowledge of him during my time as Attorney General, so I'm not able to give you any information about that.

Mr. Jordan. Did anyone talk to you about Mr. Steele in the course of the investigation?

Ms. Lynch. Not that I recall.

Mr. Jordan. Did anyone at the FBI brief you about Mr. Steele and the fact that it was his work that became the basis of the dossier? And as we now know, the dossier was part of the FISA application. Did anyone talk to you about Christopher Steele?

Ms. Lynch. Just to unpack that again very generally, I don't recall anyone mentioning Mr. Steele by name to me while I was Attorney General at all. So therefore -- but I don't know if someone briefed me on information relating to him. I wouldn't be able to connect it to his name if that were the case.

So at this point I would have to say, no, nothing was ever brought to my attention about Mr. Steele, either specifically or generally. I don't know, again, as I say, if information he provided was in briefings to me. I wouldn't be able to tie it to him in that way to really answer that question.



Mr. Jordan. When did you first learn about the dossier?

Ms. Lynch. I'm not sure what you're referring to as the dossier. It's not a term that we used at all and it was a term that I only heard about in press reports after I left the Department.

Mr. Jordan. You never heard of the dossier and Christopher Steele's work product prior to leaving the Department?

Ms. Lynch. I heard the term dossier applied to a collection of materials, but it was not a term that was used within the Department to describe intelligence generally. And so no one ever came to me while I was Attorney General and talked about a dossier in any case, because it isn't the terminology that we used.

And that was why, Congressman, I was saying earlier that, while I have no knowledge of Mr. Steele, again, I don't believe I was briefed on his information, but it's entirely possible that I may have been without a name being attached to it. So that's why I can't say with specificity that I would never have been briefed on that information.

Mr. Jordan. Well, we've heard from other folks at the Justice Department, and specifically the FBI, about when they started to first learn about the dossier and receive, I view it as installments or various parts of the dossier that became packaged together and became what's known as the Steele dossier. They were receiving those over the course of the summer and into the fall of 2016.

Were you ever briefed on any or all of those reports that Mr. Steele was giving to the FBI that then became what's commonly referred to as the Steele dossier? And if so, who were you briefed by?

Ms. Lynch. Congressman, I'm just not able to answer in a way that's helpful to you, because, again, I was briefed on a lot of things over the summer of 2016, going into the fall. But I'm not able to -- I'm not -- I don't know if those things that I was briefed on were sourced by Mr. Steele or not.

Mr. Jordan. Well, let's --

Ms. Lynch. And that's why I'm not able to attribute it to him.

Mr. Jordan. Okay. That's fine. Let's back up, let's back up.

Spring of 2016, Director Comey and Deputy Director McCabe come and tell you they are investigating. Whether it's been officially launched or authorized, your answer earlier was you weren't sure at that point. But there's information that they have that they presented to you in the spring of 2016.

So between the spring of 2016 and your tenure in office, how many other times did you get briefed on the Trump-Russia investigation?

Ms. Lynch. So, first of all, when I spoke with the Director and Deputy Director in the late spring of 2016, it was not presented to me as, "We are investigating this." It was simply a presentation of some information that I needed to know. And we did not discuss action items at that time. So I just don't want to mischaracterize it for you.

Mr. Jordan. Can you characterize --

Ms. Lynch. With respect to --

Mr. Jordan. You said it was information that you needed to know. Can you characterize that type of -- what that information was?

Ms. Lynch. Not in this setting, no.

Mr. Jordan. Okay, that's why I asked. All right, keep going.

Ms. Lynch. With respect to continuing through the summer and fall of 2016, I was briefed in my capacity as the Attorney General on a number of issues that related to Russia, some of which, I think, came through either the FBI and some of which would have been at the National Security Council level.

I'm not able to go into the National Security Council level information because of its classified nature. And also the information from FBI, I think some related to cases and, again, some would be classified.

And if, for example, you had a specific memo you wanted to show me to see if I had gotten information, then I would be able to, I think, consider whether I recalled seeing it or not.

But just as in terms of the components of the Steele dossier, I'm not able to break them down for you now and say when this came over the transom or when this did not.

Mr. Jordan. How often were you briefed?

Ms. Lynch. With regard to which issues?

Mr. Jordan. The Russia issue, the Russia investigation, how often were you briefed by the FBI?

Ms. Lynch. I don't recall a specific number. I know that, as I mentioned before, there were briefings at the NSC level and there were briefings at the FBI level about cases. We were looking into whether or not Russia was involved in some hacking cases. Those were

specific case issues.

Mr. Jordan. Were you told on July 31st, 2016, when they officially opened the investigation, were you told -- were you a part of that decision or how -- or were you told about that decision? How did that play out?

Ms. Lynch. That wouldn't rise to the level of the Attorney General, so I don't have that information for you. It wouldn't have been brought to my attention.

Mr. Jordan. So it was brought to your attention in the spring of 2016 that there was information that you needed to know regarding Russia. And then a couple months later or sometime in the middle of summer, July 31st, they actually opened an investigation into Trump campaign-Russia, but they don't tell you about that.

Ms. Lynch. Well, again, I would have to say I would not characterize it as an investigation of the Trump campaign at that time. It was never described that way to me. And certainly with respect to opening of an investigation, the literally opening the file, getting the number in the computer, that's not something that would come to the level of the Attorney General.

Mr. Jordan. But, Ms. Lynch, we know that the FBI opened the investigation Crossfire Hurricane on July 31st, 2016. I'm asking, did you know that?

Ms. Lynch. I have told you that I didn't and that I wouldn't have.

Mr. Jordan. There was no -- they weren't going to tell your -- well, why wouldn't they tell you that they opened an

investigation? I guess I'm trying to figure out, you're told in May or the spring of the year about information related to Russia, but you're not told the date they actually officially opened an investigation?

Ms. Lynch. That's correct.

Mr. Jordan. Crossfire Hurricane starts on this date and you're not told?

Ms. Lynch. That's correct. There would have been information --

Mr. Jordan. That's normal?

Ms. Lynch. Yes, absolutely normal. With respect to the opening of investigations, they are opened all the time at different points in time.

Mr. Jordan. Okay.

Ms. Lynch. And the processes are followed. But it's not something that comes to the level of the Attorney General.

Mr. Jordan. How about Bruce Ohr? Do you know Bruce Ohr?

Ms. Lynch. I do know Bruce Ohr.

Mr. Jordan. You do?

Ms. Lynch. I do know Bruce Ohr.

Mr. Jordan. Okay. Tell me about how long you've known him and how long you've worked with him.

Ms. Lynch. Mr. Ohr?

Mr. Jordan. Yeah.

Ms. Lynch. I knew him briefly when he was an AUSA in Manhattan

and I was an AUSA in Brooklyn. Not well. I came to know him more when I returned to the Department in 2010 as the U.S. Attorney in Brooklyn because he was at that time working at Main Justice. I don't believe we worked directly together.

My recollection is that he -- his portfolio included organized crime work. My office in Brooklyn was very, very involved in international organized criminal work, specifically transnational organizations. And so we had a lot of professional interaction with him as an office.

When I became the Attorney General, I would see him more often. We don't have a personal relationship, but I've known him professionally for a number of years.

Mr. Jordan. How often would you interact with him on a daily basis, weekly basis, professionally at the Department?

Ms. Lynch. He would attend meetings in the Attorney General's conference room, and I believe probably on a weekly basis, with a large group of people, large staff meetings at which point different components would give brief reports on issues, either, for example, important cases, press issues, just things that they were working on. And he would be part of the large group that would be in those meetings.

I don't recall having, like, one-on-one meetings with him, for example. I don't think I had the need for that.

Mr. Jordan. Did you know Bruce Ohr was providing information to the FBI regarding the Russia investigation?

Ms. Lynch. No, I don't have any information about

Mr. Ohr -- Mr. Ohr's connection to information about anything about Russia.

Mr. Jordan. He was actually -- did you know that Bruce Ohr was providing information to the FBI regarding what Christopher Steele had told him?

Ms. Lynch. Since I don't know Mr. Steele, the same answer would be, no, I don't.

Ms. Jordan. Do you know Glenn Simpson?

Ms. Lynch. I do not know Mr. Simpson, no?

Mr. Jordan. How about Bruce Ohr's wife Nellie, had you ever met her?

Ms. Lynch. I don't believe I have ever met her. She may have attended a holiday party or something. But I just -- I don't have a recollection of meeting her.

Mr. Jordan. When Mr. -- I didn't review this -- but when Inspector General Horowitz did his investigation --

Ms. Lynch. Congressman, I'm having trouble hearing you, I'm sorry.

Mr. Jordan. I'm sorry.

Did the inspector general interview -- I'll save that question. Has Bob Mueller talked to you?

Ms. Lynch. At what point in time? Not recently. Not in years.

Mr. Jordan. In relation to the special counsel's investigation.

Ms. Lynch. No.

Mr. Jordan. All right.

I want to go back to your meetings with the FBI over the summer of 2016. You said, again, you learned in the spring and you had periodic meetings with the FBI, updates on investigations.

Again, how often would those happen? Is that a weekly occurrence? Or how often did those meetings happen?

Ms. Lynch. I had thrice-weekly security meetings with FBI leadership when I was Attorney General, usually Monday, Wednesday, and Friday. Sometimes my travel would knock it down to two times a week.

In those meetings I would often get updates on cases or issues, often policies. So at some times at those meetings I might get an update on a case. For example, I mentioned the DNC hacking case was one that was an active case during the summer of 2016. I don't have a recollection as to how many of those briefings on that specific case there were, though.

With respect to Russia's attempts to interfere in the election generally, through anyone, again, I don't have a recollection of a specific number of times we discussed that. And over the course of the summer most of briefings on that issue were shifted to the National Security Council level.

Mr. Jordan. Okay. So three times a week you meet with FBI leadership, that was the practice?

Ms. Lynch. Yes. That was a security briefing where we discussed the threat stream, we discussed a number of things arising out of the President's daily briefing, a number of things I'm not able to go into in this setting, but it was a high-level security meeting.



Mr. Jordan. Three times a week, that's throughout your tenure. Every week, unless you're traveling, you're meeting with the top people at the FBI three times every single week?

Ms. Lynch. Generally, yes.

Mr. Jordan. Okay. And you're saying that they didn't tell you that they had just opened an investigation into the Trump -- possible Trump campaign and Russia coordination on July 31st, 2016? You meet with them three times every week and they're not going to --

Ms. Lynch. It wouldn't have needed to. I mean, once they tell me that they're looking at certain things, I would obviously know that it was pursuant to an investigation. But the technical thing that --

Mr. Jordan. So when did you know that the investigation was actually launched and going on then? They didn't tell you that they opened it on July 31st. When did you know as the Attorney General that they were looking at the Trump campaign and possible Russia influence with it?

Ms. Lynch. Again, I want to be clear that my understanding was that it was not an investigation of the Trump campaign. That was not the entity under investigation. My understanding of the investigation that was going on and the issues that were being looked at was Russian interference in the system.

And certainly by the early summer of 2016 I was aware that we as a Department, including the FBI, were looking at that. So, again, it would not surprise me to learn that the investigation opened on July 31st, it wouldn't surprise me to learn that it opened on July 15th.

That wouldn't be the relevant issue to me.

Mr. Jordan. That's not -- I'm not asking --

Ms. Lynch. The issue to me was, what are we doing about it?

Mr. Jordan. I'm not asking if you were surprised or not surprised. I'm asking, when did you know it was opened?

Ms. Lynch. I'm not able to give you a date.

Mr. Jordan. I believe the Attorney -- or, excuse me, the FBI Director told us just a couple days ago that there were several individuals that they had -- went to the FISA court to get a FISA warrant for. And we know some of those individuals were associated with the Trump campaign. But you're saying that the Trump campaign was not under investigation?

Mr. Weinsheimer. I would object to that question only to the extent that you talked about FISA applications. And I don't want any answer this witness gives to be construed as any confirmation of any FISA application.

Ms. Lynch. So with respect -- if I understand your question -- I'm sorry, I don't think -- can you repeat your question, Congressman? I'm sorry.

Mr. Jordan. Okay. I misstated. They opened a file on four individuals, my understanding is -- if we can correct the record -- not a FISA application, but a file on four individuals. And those individuals, at least my knowledge is, some of those individuals were associated with the Trump campaign. But you're saying there was not an investigation into the Trump campaign.

Ms. Lynch. Congressman, I would characterize it as an investigation into Russian efforts to infiltrate the election through a host of ways, including some individuals, and also other areas as well that are just separate from this.

It was not -- it was not an investigation of the Trump campaign, per se, as far as I understood it.

[2:52 p.m.]

Mr. Jordan. Okay. I'll yield back to the staff. I got a few more, but I can wait a few minutes on these.

Mr. Biggs. Can I ask a question? Just a couple questions. By way of laying a foundation of the question I really want to get to, is, if I understand correctly, you were never told of a term "dossier," but there was information being accumulated by the FBI that was, in turn, passed to the AG's office.

Ms. Lynch. There was information from a number of places being given to me.

Mr. Biggs. And thus, you didn't know Christopher Steele and that --

Ms. Lynch. Correct.

Mr. Biggs. -- this group of documents is called the Steele dossier, what's come to be known as the Steele dossier?

Ms. Lynch. Correct.

Mr. Biggs. Did you the ever hear the term "crown" or the crown dossier or this document came from crown?

Ms. Lynch. Came from?

Mr. Biggs. Crown.

Ms. Lynch. Not to my recollection, no.

Mr. Biggs. Okay. Thank you.

Mr. Jordan. I have a couple. So we were told when Mr. Ohr was here, Bruce Ohr that worked at the Justice Department, when he was here, he said that he received information from both Glenn Simpson and

Christopher Steele and then actually passed physical evidence to the FBI. Is that normal?

Ms. Lynch. Well, certainly, I would think that if Mr. Ohr or any Department of Justice official received information about an issue of importance, that they would give it to the FBI. I couldn't tell you how often that happens, if that's your question.

Is it about how often does it happen?

Mr. Jordan. Well, I guess my point is, Christopher Steele was giving information directly to the FBI. Why would he also then be passing information to a top Justice Department official who would then also give that information to the FBI?

Ms. Lynch. I don't know Mr. Steele, so I can't answer anything about --

Mr. Jordan. I'm not asking you about Mr. Steele. Is that normal? I'm asking is what Mr. Ohr did, is that normal? What Mr. Ohr did, is that normal?

Ms. Lynch. Well, again, if you're asking me is it normal or appropriate if a Justice Department official receives information from anyone, that they pass it to the appropriate investigative agency, that's what I would hope that they would do. But since I don't have any knowledge of this, I'm not able to answer any more about it.

Mr. Jordan. Okay. How about the fact that Bruce Ohr was also getting information from Mr. Simpson, who was with Fusion GPS, and passing that information to the FBI?

Ms. Lynch. I don't know Mr. Simpson.

Mr. Jordan. I'm not asking you if you know him. I'm just asking you your thoughts on that arrangement. Fusion GPS hired by Perkins Coie, who was hired by the Clinton campaign, and then Mr. Simpson, is passing information to Mr. Bruce Ohr, who is then giving it to the FBI.

Ms. Lynch. Again, I don't have a characterization or a comment on it, but I have the same answer that I had before. If anyone receives information that they think should go to the appropriate investigative agency, then they should provide it to the appropriate investigative agency. But beyond that, I'm not able to describe it or characterize it.

Mr. Jordan. Okay, thank you.

BY MR. SOMERS:

Q So to be clear, at some point, you become aware that there are individuals associated with the Trump campaign that are under formal investigation by the FBI?

Mr. Weinsheimer. I would object to that question. First, it is mischaracterization of what's been stated, but I'm also concerned that an answer to the question could convey classified information.

Mr. Somers. We've had testimony on this. We've had the Director of the FBI in this very room, this very week, testified -- I mean, I'm -- testify to the same.

Mr. Weinsheimer. In the way that you've phrased the question, I'm concerned that it could reveal classified information.

Mr. Somers. Well, I'll try again.

BY MR. SOMERS:

Q Were you aware that -- were you aware that Carter Page was under investigation by the FBI?

A I was certainly aware of concerns about Mr. Page's activities. And I'm not sure how far I can go beyond that.

Q I'm not sure I need you to go further at this point.

And you were also aware that he was, had a role with the Trump campaign?

A I was aware at some point in time, he did have a role with the Trump campaign.

As I sit here today, I couldn't connect in time those actions. You know, I just don't remember enough about when he was with the Trump campaign and what the issues were to say that it was during that time, but it certainly could have been?

Q Were you aware that George Papadopoulos was under investigation by the FBI?

A I was aware that his activities were of concern.

Q Were you aware that he was associated with the Trump campaign?

A You know, I knew that but, again, I don't have specifics, and certainly at that -- thinking back to that time, I don't know if I knew his role at that time in the campaign.

Q Do you know he had some sort of role?

A As far as my recollection is, yes.

Q So there are these investigations launched into two individuals, in your mind, somehow associated with the Trump campaign,

did you consider any other options other than an investigation?

A I don't understand the question.

Q Let me ask more specifically, then: What is a defensive briefing?

A What is a defensive briefing?

Q Yes.

A It's when information is provided to someone usually as a result of the intelligence community learning information that may impact them, in the context in which I'm aware of it, in their official role, or in their official business.

Q Are defensive briefings given to candidates for the presidency?

A Certain types of defense briefings are, in my understanding. It's not something that I was personally involved in. They received -- they do receive security briefings. I'm only aware of that from discussions with members of the intelligence community.

Q Did you ever discuss whether the Trump campaign should be defensively briefed on either Carter Page or George Papadopoulos?

A I was certainly aware that it was an option, but I don't know what, if anything, ever happened to that option.

Q And what do you mean you were aware that it was an option?

A Without getting into specific discussions, it certainly is an option that one would consider, but I don't know if those actions were ever taken.

Q Were you involved in discussions about whether the Trump



campaign should be defensively briefed about either of those individuals?

A Not to the level of giving direction.

Q But you were, in fact, involved in discussions?

A Again, I'm just being careful because of the nature of the information. Certainly, it's always an option, but at a very early stage, you would have it as an option, and you would evaluate it as time goes on, and I don't have any information about further resolution of that issue.

Q So you don't actually know whether he was defensively briefed?

A That's correct -- when you say "he," who do you mean?

Q I'm sorry. Candidate Trump or someone else in his campaign. You do not actually know whether candidate Trump was defensively briefed?

A About what issues?

Q About either Carter Page or George Papadopoulos.

A I don't know.

Q Same question with regard to any other senior official, whether any other senior official in his campaign was briefed?

A I do not know.

Mr. Breitenbach. Ma'am, are you saying, though, that you are aware that there were, in fact, were discussions on whether to brief him on Carter Page or George Papadopoulos's involvement in his campaign?

Ms. Lynch. I'm saying that I'm aware that that's always an option, and that was an option, but at the early stage which I was receiving information, it was very early in that, and I was not involved in discussions going forward as to whether or not, or when to do such a briefing. So I can't shed light on that.

Chairman Goodlatte. When did you leave office?

Ms. Lynch. I'm sorry, say that again?

Chairman Goodlatte. When did you leave office?

Ms. Lynch. January 20th of 2017.

Mr. Jordan. Before we -- go ahead.

Chairman Goodlatte. That matter had begun quite a bit before that, and the Attorney General has a role in the approval of applications that go to the FISA court.

Were there not discussions surrounding that?

Mr. Weinsheimer. I would object to that question because it's broad and, therefore, potentially reveals classified information, especially as it relates to FISA applications.

Mr. Breitenbach. Well, we already know publicly that there was a FISA application on Carter Page.

Mr. Weinsheimer. Understood. And so if you ask a specific question about the public aspects of that FISA application, I wouldn't have that objection.

Chairman Goodlatte. I think that's what I did ask.

Mr. Somers. Did you review the Carter Page FISA application?

Ms. Lynch. Not my recollection, no.

Mr. Jordan. Can I ask, Mr. Chairman, because we're running out of time, I think, this hour.

Ms. Lynch, did you -- were you a part of preparing for the briefing the President received -- President-elect received on January 6, 2017?

Ms. Lynch. No, I was not. And I wasn't present for it.

Mr. Jordan. Okay. Okay.

Mr. Baker. A quick question on defensive briefings. Again, you said it was an option to defensively brief. Do you mean the option is to brief or not to brief, or there's other options in addition to that choice? Sort of actions that can be taken in lieu of the defensive briefing?

Mr. Weinsheimer. I would object to that question because it gets into other investigative techniques that are available and potentially classified information.

BY MR. BAKER:

Q What is the Attorney General's role in a FISA review, in any FISA review?

A By statute, the Attorney General is the final signatory on FISA applications.

By regulation, the signatory authority has been delegated -- or shall I say shared -- with the Deputy Attorney General and the head of the national security division as long as the people in those positions are presidentially appointed and Senate-confirmed.

In practice, most of the FISA applications are given final signatory approval at the national security division level. Although

as the Attorney General, I often would sign and review them if the NSD chief or DAG were unavailable. Because all three of those people often travel, you need more than one person who can, in fact, sign the FISAs.

There's a process of review that goes from the agency that is drafting it. Their process involves interagency coordination about classified material, sources, things are vetted, lawyers from NSD are involved in drafting the document.

Also, there are chains of review at the attorney level as well. There are chains of review at the agency level, and ultimately, presentations are made to the signing official.

If it were me, for example, as Attorney General, you receive a briefing from a team of several documents. And you have a summary to review, and you also have all the underlying documents to review. And typically, you'll see that every one -- that the signatures below you are appropriately there, because yours is on top of it. But you look at the signatures, you review the documents, you read the summary, you read the updates, you read the relevant portions of it for review.

Q And then it goes to the FISA court?

A If it's signed by the Attorney General, it does go to the FISA court, yes.

Q Thank you.

Chairman Goodlatte. Is that what happened in the Carter Page case?

Ms. Lynch. I wasn't involved in the processing of the Page FISA. I can outline the process for you but I don't have personal of it.

Chairman Goodlatte. No, no, it is just not clear to me, the Attorney General has a role, you often rely upon others to supplement your work in fulfilling that role. Did you have no role in that, or were you briefed?

Ms. Lynch. I don't have any recollection of being briefed on the Page application either. And I don't have a recollection of signing it.

If I -- I just don't have a recollection of signing it or reviewing it.

Chairman Goodlatte. There was a renewal as well, contemporaneous, I believe, with your service. Do you have a recollection of that?

Ms. Lynch. I don't have a recollection of being involved in the FISA for Mr. Page at all.

Chairman Goodlatte. Were you briefed about the relevance of Mr. Page's FISA warrant with regard to this broader Russia investigation?

Ms. Lynch. I don't have a recollection of a briefing of that type, no.

Chairman Goodlatte. When did you first hear the name Carter Page?

Ms. Lynch. Again, it would have been like late spring of 2016 or so, in this context. I don't recall if I knew of him from other cases or not.

Mr. Somers. Our hour is up.

[Discussion off the record.]

Ms. Sachsman Grooms. We'll go on the record. It is 3:14 p.m.

BY MS. SACHSMAN GROOMS:

Q I just wanted to go over a couple things that we discussed in the last round because I want to make sure that some of your recollection around the timing doesn't get misinterpreted or misunderstood.

Mr. Comey, when he came in, explained to us, and I'm just going to read from his transcript. This is just a page from his transcript. It's the first day that he came in, pages 23.

A You want me to read this?

Q No, I'll read it to you.

A Okay.

Q I just gave it to you for reference.

Mr. Gowdy asked him: What was the Russia investigation? When you hear the phrase "Russia investigation," what do you think?

And Mr. Comey answered: To my mind, the term "Russia investigation" often refers to two different things. First, the investigation to understand what are the Russians doing to interfere in our election during the 2015-2016 period; and then, second, it's often used to refer to the counterintelligence investigations that the FBI opened in late July.

And so, I hear it used interchangeably there, and those two things obviously connect, but I've always thought of it as two separate elements.

And Mr. Gowdy said, okay. We'll go with that. Late July of 2016, the FBI did, in fact, open a counterintelligence investigation into, is it fair to say, the Trump campaign or Donald Trump himself?

And Mr. Comey's answer was: It's not fair to say either of those things, in my recollection. We opened investigations on four Americans to see if there was any connection between those four Americans and the Russian interference effort. And those four Americans did not include the candidate.

Is Mr. Comey's sort of description of the different investigations and the timings consistent with your recollection?

A Well, certainly, the description of the investigation is covering issues of what are Russians doing to interfere in our election during the election timetable that was going on then, 2015-2016 period, is certainly accurate. And it's also accurate to say that the phrase would encompass the counterintelligence investigations as well.

Q Is it fair to say that there was a counterintelligence effort around Russian interference with the elections in the 2015-2016 time period?

Mr. Weinsheimer. I would object to that question to the extent that it may reveal classified information in the way that you phrased the question.

Ms. Sachsman Grooms. Is it --

Mr. Weinsheimer. It is on the record that there was a particular investigation that was opened on July 31st. If you want to ask about that specific --

Ms. Sachsman Grooms. I'm actually talking about something different. I'm talking about the intelligence committee report that has been made public that describes quite a large counterintelligence set of information of Russia's interference with our elections that was not specific to the four Americans started in July. And I'm just trying to draw that there's a distinction between those two things.

Ms. Lynch. Are you referring to the report that was issued in October of 2016?

BY MS. SACHSMAN GROOMS:

Q Yes, ma'am.

A Okay.

Q So to the extent you can explain, without going into classified information, before the investigation began in late July of 2016, that encompassed the opening of an investigation into four Americans, was there a larger, broader-scale effort across the United States Government to understand what Russia was doing to impact our election?

A So I think the best way for me to answer that is to say that, is to just note, in a general sense, that the FBI often does counterintelligence investigations. That does not preclude other members of the intelligence community having their own investigations at the same time into similar issues, connected issues, related issues, and that this is a very common thing as a general matter.

And I think I can also say that, as you noted, that there was in October of 2016, a memo that was authored on behalf of the intelligence



community and component agents were listed on that memo.

And certainly information -- those agencies would have had an interest in putting together, in gathering information that led to that memo. And I hope that that's a helpful answer to your question.

Now, when those intelligence agency efforts began, I would not be able to say. I don't have knowledge of that.

Q I think -- here is the distinction I'm trying to draw, and maybe I'll be more specific about it.

There seems to be a theory in some press, more on the opinion side, that the investigation into the four Americans actually began before the end of July, when the FBI officially opened the investigation. Do you have any evidence to support that theory?

A No, and I wouldn't, and I'm -- not being familiar with it, I wouldn't be able to say. As I mentioned, information was brought to my attention sometime in the late spring, information that I should be aware of, but it was not an action item for me, it was not a request for direction, nor did I give direction.

So certainly, I would view that as information being conveyed to me, not necessarily something that would change the date of an investigation opening, if that's an answer to your question. I'm not quite sure I understand your question, but help me.

Q Is it fair to say that the information that was conveyed to you in the spring was not related to the investigation that opened against the four Americans, but was, instead, part of a counterintelligence briefing, or that of kind of information?

A I'm just trying to be accurate here. It is certainly possible, because, again, it was information conveyed to me. Again, not an action item, not a discussion of steps that were being taken, just possible issues, possible things. So it is certainly possible, but I would need more information to definitively say.

Q I'm sorry, what was possible?

A You asked me if the information that I received in late spring was a counterintelligence briefing as opposed to notification of an investigation being opened. And I said, yes, that is certainly possible. I would need more information to be able to definitively say. But certainly, the information I was given would fit in with that characterization.

Q Is it fair to say you don't remember the specifics of the information or the timing?

A Well, I don't recall the timing with specifics. I certainly don't recall the date or the day of the week. I have a general recollection that it was late spring, but beyond, I'm not able to pinpoint it. And with regard to the specifics, I'm not able to go into that.

Q Is it fair to say that when you learned the information from the FBI in spring of 2016, that information was not that the FBI had opened a counterintelligence investigation into four Americans that is started -- that was started in July 2016?

A That's actually accurate. That would be accurate. That was not the information that was conveyed to me.

Q And do you have any information or evidence that the FBI started taking any investigative actions as part of the counterintelligence investigation that started into the four Americans, that they took any investigative steps before they opened the -- before they officially opened the investigation in July of 2016?

A No, I don't.

Q Thank you.

Ms. Jackson Lee. I yield to Mr. Cohen at this time.

It is 3:24 in the afternoon, and we're going back on the record with Mr. Cohen.

Mr. Cohen. I'm going to be real brief. And if you've been asked these questions, I apologize.

Did Mr. Comey go forward in July when he announced his the conclusions on the Hillary Clinton email matter?

Did he get your permission or ask for your permission?

Mr. Lynch. No.

Mr. Cohen. He just went ahead and did it?

Ms. Lynch. He told me he was going to make an announcement, but he did not ask for permission.

Mr. Cohen. Afterwards, did you talk to him at all and say, Why did you do that? That violated our policies or traditions?

Ms. Lynch. I didn't talk to him about that. I talked to him about whether he had any additional information to add to the investigative recommendation of the House, but I didn't talk to him about his actions at that time.

Mr. Cohen. The FBI Director comes under the Department of Justice, does it not?

Ms. Lynch. Yes, they are a component of the Department.

Mr. Cohen. And did that announcement by him violate policies of the Department of Justice?

Ms. Lynch. Certainly, I had concerns that at the time, that it violated policies with respect to talking about uncharged conduct, for example, and, at the time, issues of characterizations of certain types of conduct.

Mr. Cohen. And afterwards, did you not -- did you have any thoughts about -- I guess you can't sanction him because he's appointed, so there's not much you could do, is there, except to accept your displeasure?

Ms. Lynch. Well, again, in a general sense, one can always -- you have different routes to take. I didn't speak to him about it afterwards, because we were working on resolving the investigation and then we moved into a number of other issues after that. So I'm not sure that's answering your question.

Mr. Cohen. I'm not sure if you can, but it's neither here nor there.

In October, when he came back and said he was reopening because they found the Weiner laptop, did he talk to you before he went public?

Ms. Lynch. No, he had a staff member speak to different staff members at Main Justice.

Mr. Cohen. Did you know about it -- so did the staff members

report to you before he did this?

Ms. Lynch. Yes. Well, staff reported -- staff of the Deputy Attorney General reported to me, the Deputy Attorney General and a number of other people that the Director had informed -- that the Director's chief of staff had informed him that the Director was planning to send a letter, that he was ready to send it at that moment, or that morning.

Mr. Cohen. He sent a letter and have a press conference?

Ms. Lynch. In October?

Mr. Cohen. Yes.

Ms. Lynch. No, I don't believe there was a press conference.

Mr. Cohen. It wasn't a press conference when he announced that they were going to reopen? It was just a letter? He did that?

Ms. Lynch. My recollection is that the Director sent a letter to congressional leadership.

Mr. Cohen. Okay. And when you found out he was going to send letter, did you question that at all?

Ms. Lynch. Yes, I had a number of questions about that and a number of questions as to what the issue was convened, the team who had worked on the email investigation, they briefed me on the fact that this laptop had been discovered in an unrelated case, that there was a possibility that there were relevant emails on it, that it needed to be reviewed. I agreed with that.

We had discussions about, you know, that particular process, of where did the laptop come from, and to whom did it belong. Just they

were briefing me on that information. I directed them to obtain a search warrant. They were actually already working on that.

And then with respect to whether or not there should be congressional notification, the Director had already decided that he felt he had an obligation to do this, and we discussed that issue as well.

Mr. Cohen. And after you discussed the issue, you didn't suggest that he shouldn't do this because it was so close to the election, or did you?

Ms. Lynch. The issue that was before myself and the Deputy Attorney General was what is the most effective way to stop this. And we had a number of options before us. And we felt bad knowing the Director as we both did, having worked with him, that a direct order was not likely to be obeyed, that it would be more effective to go through staff who could possibly influence him, because he had shown himself more receptive in those areas.

The way that it was presented to us, it was actually a fait accompli at that time. We were trying to determine if, in fact, we could stop the letter from going out. If we could not stop it, could we see it, at least, before it went out. We weren't able to see it. I think some of the staff had portions of it read to them, but no input was accepted into it.

Mr. Cohen. Mr. Comey told us that he had concerns that the leak that was coming out of the Southern sovereign District of New York was coming from Giuliani. Do you know anything about that?

Ms. Lynch. Can you be more specific about the leak you're referring to?

Mr. Cohen. That there were leaks coming out of the FBI in that area. And that there were -- about the investigations. And he thought they related to Giuliani's friends or Giuliani -- they went to Giuliani and they went from there outward. I think Giuliani -- did he not represent some of the retired FBI from that area?

Ms. Lynch. I don't know about former Mayor Giuliani's representations. I do know that both the Director and I were very concerned about leaks as a general matter. As it related to the email investigation or any other Clinton-related investigations, I know I became aware that former Mayor Giuliani was making comments, I believe, on television, implying that he had information, that he had obtained information from former FBI agents about -- and again, I can't recall if it was the email investigation and the Clinton Foundation, or just one or both, but it was related to those two issues, which raised the possibility of leaks from within the FBI routing some way to Mr. Giuliani.

I didn't discuss Mr. Giuliani specifically with the Director. I did discuss with him on a number of occasions the concerns we both had about leaks.

Mr. Cohen. So you didn't necessarily ask the FBI or anybody else to have an investigation of the leaks coming out of the FBI?

Ms. Lynch. Well, I remember having a discussion with the Deputy Director about leaks in general, and asking him what was his plan for

dealing with them. And he talked to me about some communications he was planning to have with leadership in New York.

I, myself, had communications with FBI leadership in New York about leaks in another case, but the topic in general. And I remember telling the Deputy Director to let me know what he felt the results of his intervention were in terms of receptivity to the message, whether the problem was going to continue, or if this was going to be enough. And that I would be prepared to either call with him, or step in in some way as well.

Mr. Cohen. I don't have anything further. And I just thank you for your service.

Ms. Lynch. Thank you, sir.

Mr. Cohen. You're welcome, Ma'am.

Ms. Jackson Lee. Madam Attorney General, I will start somewhat where Mr. Cohen left off, but more particularly focus my line of questioning on the rule of law and the importance of the rule of law. And also, attempting to be as precise on some facts that I gleaned from the earlier questioning in the earlier responses that you gave.

Being a -- let me get this housekeeping matter out of the way. You are presently from New York?

Ms. Lynch. Yes.

Ms. Jackson Lee. And have lived there for how long?

Ms. Lynch. Well, I lived in New York for a number of years. I presently still reside in this area.

Ms. Jackson Lee. So during the time that you lived in New York,



were former President and the Secretary having left public service were around, and also New Yorkers of sort?

Ms. Lynch. Yes, I believe they were.

Ms. Jackson Lee. And so you knew of them and they were not strangers by the fact that you didn't know of them or may not have encountered them of your movement in New York?

Ms. Lynch. I knew of them. I didn't know them.

Ms. Jackson Lee. So would you perceive it not unusual for a showing of respect that the tarmac encounter was just an act of respect? Did you see it as anything else?

Ms. Lynch. I did not see it as anything else. I took the President at his word that he wanted to say hello. And, in fact, his conversation was very social, and, frankly, all social or current events throughout.

Ms. Jackson Lee. And I will not ask you to assess the President's personality, but is he known to be an engaging and a person who seems to love being with people, as have been described? Let's just say as have been described.

Ms. Lynch. I have heard that description of him. I would have to agree with it from my encounter with him. I, frankly, thought that he was very gracious in speaking to the two flight attendants on the plane and spending significant time with them.

He was very gracious to my husband, and he does like to engage with people, from what I can see.

Ms. Jackson Lee. Finally, as he entered the airplane, engaged,

you did not perceive anything sinister was being attempted?

Ms. Lynch. No, no, I didn't.

Ms. Jackson Lee. Let me -- thank you.

Let me go to the rule of law and the question of a secondary potential indictment under the concept -- I'm looking for my paperwork -- under the concept of a term "gross negligence."

And it is my belief that having dealt with prosecutors, that there is a thorough briefing and detailing as to every nuance of what is a potential charge. In fact, you are reminded that, rightly so, President Obama, your predecessor, looked at ways to be effective, but in criminal sense, for minority persons that you've spoken of, to not charge up, to go to the most serious and try to, at least, balance justice. And that's a different policy, but they made the effort. But is it difficult to charge up.

But in doing so, is it your impression that if a prosecutor labels and layers indictments -- or charges, rather, charges, that they have thoroughly investigated and feel very secure in their charge?

Ms. Lynch. Yes, I would expect that any prosecutor, certainly one working for me, would have the elements of every offense buttoned down and able to present in court in a way that would generate a positive result for the government.

Ms. Jackson Lee. So we know that it was July 5th that Mr. Comey made an announcement at the level of the Director of the FBI. Is it well-known or structured that the Director of the FBI works for the Attorney General, or works inside of the Department of Justice? Is

that the pecking order?

Ms. Lynch. Yes. The FBI is one of the law enforcement components of the Department. The Director of the FBI reports directly to the Deputy Attorney General and then through the Deputy Attorney General to the Attorney General.

Ms. Jackson Lee. So any actions or statements which would see the attorney -- excuse me -- the Director of the FBI making comments about the issue of bringing charges or not, could readily be overturned by you?

Ms. Lynch. Certainly, the recommendation as to bring charges or not could be accepted or declined by me.

Ms. Jackson Lee. Yes. I'll use that terminology, accepted or declined.

Ms. Lynch. Yes.

Ms. Jackson Lee. So you could almost argue that that comment on July 5th was not an absolute? You have the right to accept or decline?

Ms. Lynch. I certainly took it as his recommendation, but as I indicated before, I was waiting for a full and complete review by the entire team, particularly the legal team. And at the end of that, while I expected I would accept their recommendation, I certainly retained the right to send it back for more work, to ask significant questions about it, or to reject it, if I disagreed with what they had come up with.

Ms. Jackson Lee. So as you well know, you have a line of questioning about a terminology, I think gross negligence, which is

an old statute with legislative history.

We know that the facts, the underpinnings fact are that gross negligence was used in some original writings of the FBI Director. And if I might not attribute any finality, but it was suggested that that was a legal term. And so it was not utilized in the remarks, which has now triggered the fact did the DOJ subordinate this charge and didn't do anything about it.

So let's jump to July 6th, which is when you got your full briefing. Again, with the opportunity to accept or decline what would have been -- that was when everybody was in the rooms of all levels, senior prosecutors, or senior DOJ staff, young lawyers or less who had done the work, the legwork, FBI agents whose names were not in the news who just did the hard grit work of reviewing those emails, looking at all of the hardware that was contained in this possible charge. And you listened -- was the Deputy Attorney General present as well?

Ms. Lynch. Yes, and her staff.

Ms. Jackson Lee. So that means the top brass of the DOJ were present, and you took this briefing very seriously?

Ms. Lynch. Yes.

Ms. Jackson Lee. And in the course of that, would it have been the normal course of action, the rule of law, that if there were any other elements of charging, would that have been discussed as well?

Ms. Lynch. Yes, it would have been. And I believe that they were.

Ms. Jackson Lee. And so in the course, this old statute, might

have been, whether it was old or just passed by Congress 5 weeks ago, would have been discussed?

Ms. Lynch. Yes.

Ms. Jackson Lee. Do you have a recollection of whether the gross negligence legislation -- or statute, was discussed?

Ms. Lynch. I don't have a specific recollection, but, again, my view is it would have been discussed as an element of the offense of all the statutes that were being presented. My concern was I didn't want to overstate and rely on something that was not within my memory, as I sit here today.

Ms. Jackson Lee. But in the normal order of the DOJ, those briefings at the highest level, the Attorney General is in the room for what had become a high profile set of facts. And in your own weekly -- we spoke earlier in my questioning about integrity and the importance of upholding not only the rule of law by the integrity of the DOJ, the Office of the Attorney General.

Would it be your recollection that you were detailed, both in your listening and in your asking of questions?

Ms. Lynch. Yes, I recall being very detailed in my asking of questions. And I will say that typically in those situations, I call upon my experience as a prosecutor of almost 20 years.

Ms. Jackson Lee. And that was the fall -- I'm sorry, that was the summer of 2016?

Ms. Lynch. Yes.

Ms. Jackson Lee. Did you -- would you also say that you felt the

weight of any decision that the DOJ -- the weight, not the bias -- but the weight of any decision that the DOJ would make, and therefore felt, with your whole team, that you needed to be extremely diligent?

Ms. Lynch. Yes, diligent, careful, and thorough, and that we had to make sure that there was a basis for our ultimate decision in the work that we did, both in the facts that we found and the law that we applied, and the analysis, which was excellent from my team.

Ms. Jackson Lee. By any chance, do you remember how long that meeting lasted?

Ms. Lynch. I certainly recall it went for more than an hour. And I don't know if it went more than 2 hours, but I know it was more than an hour.

Ms. Jackson Lee. And in the course of that, everyone who needed to speak, who chose to speak, who you needed to ask questions of, did you leave that meeting that all of those persons, all of those facts had been laid on the table?

Ms. Lynch. Yes, I went around the room and asked every one for their contribution.

The team had decided how they would present the case to me and who would speak. But beyond that, I asked every member of the team if they had anything to add. So I tend to call on people at these meetings, because I want to make sure that if there are any questions or any issues, they get fleshed out at that point.

Ms. Jackson Lee. And at the end of that meeting, you chose -- why don't I ask you the question. At the end of that meeting, what did

you chose to do regarding charges regarding former Secretary Clinton's emails?

Ms. Lynch. The team had recommended to me that we not bring charges in this matter because the elements of the statute just were not met, any of the statutes that were considered. And I considered everything that they said, everything that they presented to me, everything I read, I considered the opinions of everyone around the room. And I found no reason to disagree with their legal analysis. I felt that their factual gathering had been extremely thorough and complete, and that I had the information I need to accept that recommendation.

Ms. Jackson Lee. And does that also include -- and forgive me for repeating this -- it also includes any charge dealing with gross negligence?

Ms. Lynch. It would have included that as well, yes.

Ms. Jackson Lee. And today, again, gross negligence or other charges, you are still holding to your original position --

Ms. Lynch. Yes.

Ms. Jackson Lee. -- regarding the declining --

Ms. Lynch. Yes.

Ms. Jackson Lee. -- excuse me, the accepting of the recommendation, as opposed to declining the recommendation?

Ms. Lynch. Yes, yes. I had no reason to decline or change their recommendation. I certainly retained the authority to do so, but I had no reason to either reject it or modify it or decline it or send the

case back for additional work.

I agreed with their analysis, and so, I accepted their recommendation. And we closed the matter at that time and issued a short statement.

Ms. Jackson Lee. I hope the many circles that I've made have helped a little bit in the clarification that we have left no doubt of the decision by either the law enforcement arm, and then, ultimately, the chief law enforcement lawyer of the Nation in her duty that all review was made. And I hope that that is clear on the record from your commentary.

Let me, again, just go to protocols again, rule of law. And there was -- there seems to be a line of questioning about did you not know this was opened or that was opened or police matters were opening?

I served as municipal court judge. I served in my early, early life on city council. There's a city council, there's a mayor, there's a police chief. I would venture to say that the mayor does not know of every investigation that local police are engaged in. Might not even, city council members might not be aware. I would also venture to say that an appropriate time of major operations that the mayor would know.

Let me now jump to the Nation's law firm and the Nation's police. In your work as a prosecutor, both previously and most recent, before you came to the U.S. Department of Justice as Attorney General, would you explain how law enforcement -- and let's just focus on the FBI -- is it unusual, is it unethical, is it untenable that investigations are



being opened by the FBI, even those based in the DOJ, because there are certain components of the FBI operations that are in the DOJ, so one might say, Well, why don't you just go upstairs and tell General Lynch what you're doing?

Explain how that works.

Ms. Lynch. Well, certainly, if the FBI has valid predication to open an investigation, meaning someone comes to them with an issue that requires review, basically, they are authorized to open an investigation and begin that investigation. It may result in nothing, but certainly what the goal is, they want to be able to flesh it out enough, so that when they present it to the legal side of the House for either process, for example, a complaint, a search warrant, an order to look into someone's -- to tap someone's phone, there is background to that.

Now, in particular, a lot of counterintelligence investigations are begun because they are intelligence gathering investigations. And while some NSD lawyers will consult, a lot of the work goes on between the FBI and members of the intelligence community. And you're gathering information there.

There's always a point, as I mentioned, at which, when process is needed or when things are going to develop into a case, or something larger than first indicated, the FBI will often, then, at the local level, go to the U.S. Attorney's Office and say, we've been looking at this particular issue for a while. We'd like to get a lawyer assigned to help us, and to help us figure out the legal issues and

the parameters of it.

For example, the same thing will happen at Main Justice. Sometimes information comes into Main Justice, people provide tips, both verified and anonymous, in a variety of ways. If the tip were to come, for example, to a local U.S. Attorney's Office, a citizen writes in and says, You know, there's a complaint here, and I think there's some public corruption going on in my town. The lawyer would call the FBI and say, let's look into this together. But that person may go to the FBI first, and the FBI would sit down with them and say, are they credible, can we verify this? They would definitely do some looking into it, and then go to the U.S. Attorney's Office.

Ms. Jackson Lee. So when the Department of Justice, at your status, at your level, and matters have been investigated, or are being investigated, there may be a moment or time, a significant moment, that it would be appropriate to brief the Deputy and the Attorney General. Is that accurate?

Ms. Lynch. Yes.

Ms. Jackson Lee. And did you, in your tenure, feel comfortable that every matter that, as far as you know, that reached that particular level, that you were briefed about?

Ms. Lynch. Yes, yes. I was briefed on a number of different types of cases and matters throughout the Department. Usually ones that needed the Attorney General's attention, or were significant enough to generate public attention, and there would be press about, that I might be asked about at a press conference.

It would be literally impossible to brief the Attorney General on the hundreds and thousands of open cases throughout the Department every year. But you went all that way up to the supervisory chain to the most important and most serious ones, and make sure the Attorney General is aware of them.

Ms. Jackson Lee. We didn't realize it, but certainly, the Russian activities were crescendoing as time went on.

Ms. Lynch. Yes.

Ms. Jackson Lee. But in the 2016 time frame, it was really percolating -- let me not put words in your mouth, but my belief is, as it relates to the Members of the Congress, to the Judiciary Committee, even, in the intelligence community, it was just percolating. And I think it probably reached crescendo when 17 intelligence agencies or agencies in the fall indicated there was Russian interference. But say before that, and I don't recall, did Justice sign on to that letter?

Ms. Lynch. Well, from the intelligence community, the FBI is the intelligence component of the Justice Department. And so they would have been the signatory to that in the intelligence community environment.

Ms. Jackson Lee. Do you know if they were? I'm trying to remember.

Ms. Lynch. I believe that they were. I would want to see it to verify it.

Ms. Jackson Lee. But in any event, so there was something going

on. Would it have been unusual -- on hindsight, we all wish we were in a closed-door meeting in April of 2016, hearing all of the details that may have been. But would it have been -- was it at a level that it would have been a very extensive briefing to you?

I think, as I listened to your testimony, you were apprised. Did you convey to them, please keep you apprised, you want to be in another meeting. How did that work?

Ms. Lynch. So let me, just to be clear and to be careful.

Ms. Jackson Lee. Yes.

Ms. Lynch. In terms of the classified nature of this. With respect to the ultimate result in October of the memo from the intelligence communities, various agencies, I was aware of that memo and of the work that went into it to generate it. And that was, that was mostly at the National Security Council level, because it was multi-agency effort, so I was involved, as was the Director of the FBI.

Ms. Jackson Lee. That is the fall of 2016?

Ms. Lynch. Yes. So that would not be part of the FBI's own separate investigations that were ongoing.

Ms. Jackson Lee. Right. So I'm asking about what you might have heard from spring 2016 to summer 2016 in your own shop, from the FBI, et cetera, and how much of it would you have had to hear, or was it, you know, at a level where it was a closed door, 10-hour meeting to brief you?

Ms. Lynch. I would say that it was at a level where when there was significant developments, I was kept informed. When -- and then

that's probably all that I'm able to say.

Ms. Jackson Lee. So it was not, you were not a stranger to the facts, but you were -- in keeping with the order of the FBI, you were aware of it?

Ms. Lynch. Correct, yes.

Ms. Jackson Lee. Or something -- correct, okay.

Let me raise this point and get just a little more flesh on this.

Again, October 26, 2016, some information came and none of us who are engaged in issues of the rule of law want to be part of anything that is not transparent.

We -- I think you just testified that you heard or you, someone informed you that the Director was going to send a letter to Congress. Now, I know the hierarchy. There is a leg counsel, and you all are very wedded to your leg counsel -- leg affairs, rather, excuse me -- in dealing with Members of Congress.

So on August 16th, is there any -- do you think it would have been appropriate, that any notice would go to, just, for example, the majority leader, the minority leader, Senate, the Speaker, and the minority leader?

Would there have been any taint to say DOJ didn't provide notice to Congress?

Is that -- are those, that leadership, would you consider the leadership appropriate notice?

Ms. Lynch. I'm not sure I understand the context of your question.

Ms. Jackson Lee. I'm sorry, let me clarify.

The October 16th finding of the second laptop, the Weiner laptop.

Ms. Lynch. Okay.

Ms. Jackson Lee. And the date may be -- yes, the letter was sent on October 28th.

Ms. Lynch. Yes.

Ms. Jackson Lee. Would appropriate notice to Congress be the four leaders, that is, the majority-minority leader of the Senate, and the Speaker and minority leader of the House.

Ms. Lynch. Well, certainly the level and type of notice would depend on the reason for the notice. The reason that the Director provided to us for choosing the notification that he did was that he felt that he, that prior representations he had made to a particular group were now factually incorrect. And that he felt the need to notify the particular group he did because they had received the first set of information.

Certainly, as a general matter, notice can go -- notice typically would go to the leadership, or it could go to a committee chairman, it just depends on the issue and to what one is responding.

[3:55 p.m.]

Ms. Jackson Lee. And I am empathetic with the Director. We were in an intense national election, which is very sacred, rather, in light of the fact that we are the largest and oldest democracy. So I think certainly there would have to be those ramifications considered, and I would like to just put into the record, I don't know if I did the last time, but I would like to just put this letter in the record, exhibit 1, and I want to give this to DOJ.

[Lynch Exhibit No. 1

Was marked for identification.]

Ms. Jackson Lee. But in any event, I'm counting one, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 15 Members of Congress that received this letter, and then there was representation that it leaked and the representation is -- but I just want to clarify that Republican members leaked this. Was the greater good to -- in hindsight, was the greater good to have the leak, or to make sure that the appropriate persons could have been notified? Does the DOJ look at that even though you are talking about the Director, but he is member of the DOJ family.

Ms. Lynch. Well, Congresswoman, what we conveyed to the Director was that we didn't use the phrase "greater good," but --

Ms. Jackson Lee. I am sorry. You conveyed to the Director.

Ms. Lynch. -- that a letter would be counterproductive to what he was trying to achieve, and that it was not something that should

happen in the view of myself and the Deputy Attorney General. The Director conveyed that because he felt he had this personal ethical obligation to convey information to Congress that he was going to do that. And we decided, again, to work -- to try and find the most effective way to change that dynamic, and we were not successful.

Ms. Jackson Lee. Meaning to hold back --

Ms. Lynch. Yes.

Ms. Jackson Lee. -- to get reconsideration of whether or not a letter of that context could have been a phone call, I guess, you know, who knows what might have been in the heat of the moment that appropriate, but you did engage and indicate that that might not have been the best approach?

Ms. Lynch. That it was not the best approach, actually, yes, we did engage, and the issue was how to best engage. And the issue is when we are determining how to get the reaction that you want, you try and figure out what is the most successful approach likely to be. And we had a number of discussions about that, and determined that it would be better if -- the only people that we thought had real influence over the Director were the staff, that he had indicated that this letter was going out. There were people within the FBI who were having discussions with him.

What was conveyed to me was that they were not supportive of it. I don't know that, because I didn't speak to FBI staff myself. Certainly, it would have been mixed, I would have thought, but, again, I don't want to speculate as to that. So we were trying to figure out



the best way to effectuate movement on this front.

Ms. Jackson Lee. So there was an engagement on this issue, there was an opportunity -- not an opportunity, there was an effort to offer alternative, you were engaged as to whether or not --

Ms. Lynch. Yes.

Ms. Jackson Lee. -- because of the height of the moment week out or so from the election you were engaged, this was not something that the General was not engaged in --

Ms. Lynch. Correct.

Ms. Jackson Lee. -- to give good advice without seeming to undermine any investigation?

Ms. Lynch. Correct.

Ms. Jackson Lee. Do you feel comfortable in that?

Ms. Lynch. Well, that was certainly our goal, that was certainly our goal. As I said, we wished that we had been successful, we were not. We had great concerns about any of the approaches that we were considering. All of them, depending upon the outcome, could have raised serious issues for the Department, so we knew that was going to happen regardless in our view. And when I say "our," I am referring to myself and the Deputy Attorney General with whom I had the most direct conversations, but also staff of both her team and my team were consulting on this as well, and we were, as a group, working on this issue quite assiduously.

Ms. Jackson Lee. To my colleagues, I am concluding. Would you be able to answer a simple question of whether or not the way the FBI

decided to proceed was, in essence, one that you could agree with or you had been hesitant about it?

Ms. Lynch. Well, I did not agree with it, and, in fact, told the Director, so when I spoke with him a few days after that point, told him that, you know, he was aware that I did not agree with that action, and he acknowledged that.

Ms. Jackson Lee. Let me finish on -- since this is not about the details, but, again, it is my theme on the rule of law. And it looks as if we will be dealing with the Mueller investigation for at least a few more days, and certainly, there have been representation that it was shutting down at the beginning of the year, and shutting down Thanksgiving, and continuing to shut down.

In your role as prosecutor, you have seen a special counsel or two. You have watched some work that is going on in the context. Is there a special counsel's work that has been done that have not been high profile, not necessarily the independent counsel that Mr. Jaworski was, whose firm I worked for, or some of the subsequent in Iran-Contra that lasted for 8 years, but there have been others that people have not really paid attention to. In the course of your understanding of special counsel, is it not an obligation because they have been so designated to be thorough and to finish their work because once, my words, the work is finished it is expected for it to be thorough. What is your interpretation of the need for the special counsel to follow his or her directives and leads? And then finally, the kind of commitment that you see Mr. Mueller to do so and to follow

the rule of law?

Ms. Lynch. Well, certainly for any special counsel appointed to any particular issue, not just this one, I would expect that their work would be thorough and substantive and seek to uncover all the relevant facts that there are and make sure they have thoroughly explored the issue because, again, of the importance of the issues that require a special counsel. You are usually calling upon them to investigate areas of great sensitivity. They often touch upon the highest levels of government, and it is important that their work be independent, be thorough, and be fair.

With respect to Mr. Mueller, throughout his career, those three words have frankly been his hallmark. He has been not just a noted FBI Director who shepherded the FBI through significant changes after 9/11, but he has also been a stalwart U.S. Attorney, as well as a Department leader in several administrations. He is a consummate professional. He has an incredible work ethic, and he is -- he has the highest professional standards that many of us can think of.

Ms. Jackson Lee. You have no reason to follow social media, but I want to offer an apology, and I am reading from a tweet that was retweeted by the President of the United States. It says, "Now that Russian collusion is a proven lie, when do the trials for treason begin?" Unfortunately, they have the pictures of Director Mueller, Rod Rosenstein, former presidents, former Attorney General, former Director of the FBI, and you.

And so on the record, I want to apologize for that tweet, and for

social media free speech being utilized in such a manner that is untoward, and frankly, inappropriate for those who have been called, assigned, or appointed positions in the Department of Justice, however we may agree with the various proceedings or investigations, and I have been on Judiciary for a very long time. We do know that we look to the DOJ as the chief law enforcement agency, but also the chief agency of justice, particularly those of us who remember the civil rights movement. It was a comfort. It was the only arm of law that we could call upon to provide justice to the movement, and so this struck me as particularly offensive.

I wanted the record to reflect that on behalf of those of us who serve this Nation, this is both inappropriate, and really creates the atmosphere to undermine the respect of the American people for the rule of law, and the chief law enforcement agency and the agency that is to render justice on behalf of the American people.

So I hope that is something that you will accept, and I thank you for answering my questions.

Ms. Lynch. Thank you, Congresswoman.

Ms. Jackson Lee. I yield.

Ms. Hariharan. Off the record. It is 4:03.

[Recess.]

Mr. Somers. So, it is 4:15. We will go back on the record. I understand you had something you wanted to clarify from the previous round of our questions before we begin questioning again.

Ms. Lynch. Yes, thank you, counsel. I just wanted to make sure

again in the interest of being as clear as possible about the nature of information I may or may not have been shown. You asked me a few questions about information that Director Comey had received that he was relying upon to make his July 5 announcement, that he felt if it became public could cause questions about my credibility. We were talking about what I may or may not have seen, and somewhere in the question, there was a discussion about were emails of some sort involved in that, and I just wanted to make it clear that even though I am not able to go into what it was, I wasn't shown any emails. I just didn't want to give a misimpression there.

Mr. Somers. Okay. Thank you. Mr. Jordan?

Mr. Jordan. Ms. Lynch, just a couple quick questions I forgot last time. Has the special counsel spoken to you in the course of their investigation or interviewed you?

Ms. Lynch. No, sir.

Mr. Jordan. How about Inspector General Horowitz, in the course of his investigation, looking at potential abuse of the FISA process, has he spoken to you or interviewed you?

Ms. Lynch. Not in connection with that, no, sir, only in connection with the email investigation.

Mr. Jordan. Only with the Midyear Exam?

Ms. Lynch. Correct.

Mr. Jordan. Okay. Thank you.

BY MR. SOMERS:

Q I just wanted to -- we discussed this a little bit in the

last round. I just wanted to -- I went back and looked at my notes in the break, and I just wanted to go over this quickly again. I think there was some reporting that Director Comey and Deputy Director McCabe briefed you on Carter Page and George Papadopoulos after it was publicly announced they were Trump campaign foreign policy advisers. Do you recall that?

A I recall receiving information about Mr. Page from Director Comey to Deputy Director McCabe in the context of here is some information that we think you should be aware of. I don't recall specifics about Mr. Papadopoulos, or when I was given any information about him. It would have been after that, and I don't recall at that time what their roles were with the campaign, whether they were with them, not with them. I just don't have a recollection about their connection to the campaign at the time I was learning about issues.

Q Okay. And this is -- and public reporting, it says during or after that meeting where they briefed you about Carter Page and George Papadopoulos, there was a discussion between you, Comey, and McCabe about whether to provide a defensive briefing to Trump or the Trump campaign. Do you recall such a conversation?

A I recall a discussion about, again, the information, no action items taken or given. You know, again, without being specific, they were just sharing something with me, and talking about possible options, but not being at a decision point on those options, not being asked for a decision and not weighing in on direction to do something or not do something.

Q Was one of those options either -- I don't want to be too technical by saying defensive briefing, but either a defensive briefing or somehow alerting the Trump campaign, was that one of the options that was discussed?

A That was an option, yes, and I should have included that in my last answer, yes, it was, but it was not at a point -- not at a decision at that point.

Q So it wasn't rejected, it was just discussed?

A It was not rejected at all.

Q It wasn't accepted?

A And it was not at a point to be accepted or rejected.

Chairman Goodlatte. Have you asked about whether there were defensive briefings of Secretary Clinton? Did you have conversations about defensive briefings of Secretary Clinton during her Presidential campaign?

Ms. Lynch. I don't recall being involved in conversations about those.

Chairman Goodlatte. So you don't know whether she was given any defensive briefings?

Ms. Lynch. I do not know. I don't have that information, no.

Chairman Goodlatte. Okay. And do you know why you never reached a decision point about giving then-candidate Trump a defensive briefing, when for 8 months or so during the campaign and prior to his election, some of the people associated with his campaign were suspected of doing things with the Russians that might have prompted

a need to alert the campaign that they should be careful about these kinds of things?

Ms. Lynch. You know, I don't know. I wasn't involved in further discussions about that, and when the issue was raised with me it was -- it appeared to be at a very preliminary point, and it was -- again, as I said before, it was information being conveyed to me, so it was being passed along to me.

Chairman Goodlatte. Who makes --

Ms. Lynch. It wasn't that the FBI was doing anything or active at that point.

Chairman Goodlatte. Who makes the decisions about offering a candidate for President a defensive briefing?

Ms. Lynch. You know, I have not been involved in them, so I am not able to outline that process for you. I am not able to answer that.

Chairman Goodlatte. Okay. But that you were involved in discussions where that was discussed as an option?

Ms. Lynch. Yes, preliminary, yes.

Chairman Goodlatte. Can you recall any reason why a decision wasn't made to offer defensive briefing to either Mrs. Clinton or Mr. Trump?

Ms. Lynch. Well, with respect to Mrs. Clinton, I don't recall any discussions about issues of people in her campaign that are similar to what we are talking about here, that would have created a similar situation or similar discussion. With respect to then-candidate Trump, as I said before, this was a very preliminary notification to



me, and it was simply, you know, as we go forward and monitor this, this may come up.

Chairman Goodlatte. Do you recall whether any other country was being investigated for possible interference in the 2016 Presidential election?

Mr. Weinsheimer. I would object to that question as revealing potentially classified information.

Chairman Goodlatte. I think she can answer the question. She may not be able to reveal the details about it.

Mr. Weinsheimer. I don't think that she can.

Mr. Breitenbach. In testimony just this week, former Director Comey answered in the affirmative, so I think in terms of the chairman's question, would there be -- would there be an opportunity for Ms. Lynch to answer with respect to generally any other country having influenced the 2016 election without naming a particular country.

Mr. Weinsheimer. I think my concern is that information can be drawn from classified information, and therefore, just revealing it reveals potentially classified information.

Chairman Goodlatte. The question could be drawn -- the question could be drawn from any source, classified or unclassified.

Mr. Weinsheimer. Can I confer with the witness?

Chairman Goodlatte. Sure.

Mr. Weinsheimer. She can answer the question.

Chairman Goodlatte. The question is, are you aware of whether any other country was being investigated during the 2016 election cycle

for potential interference with the U.S. elections?

Ms. Lynch. I don't have any recollection of that.

Mr. Breitenbach. So then by extension, you would not have any recollection of any country other than the reported Russian influence that may have influenced Secretary Clinton's Presidential campaign?

Ms. Lynch. I don't have a recollection of that.

Mr. Breitenbach. Are you aware whether there are any recordings, government recordings of President Trump, President-Elect Trump, or citizen Trump?

Ms. Lynch. I have no knowledge one way or the other.

BY MR. BAKER:

Q Do you know if at the conclusion of Midyear exam, there was any kind of post-action critique, either by the Department, FBI, or both together, what we did right, what we did wrong, tweaks in that kind of investigation?

A I don't have a recollection of one being directed by Main Justice, and I don't have a recollection of the FBI doing one, but I can't say.

Q Okay. You have indicated in your testimony a couple of times today, you had other positions at the Department of Justice, correct?

A Yes, indeed.

Q What were they, and what is your total tenure at DOJ, what was your total tenure?

A I began as an Assistant United States Attorney in the Eastern District of New York in 1990, and held various supervisory positions

in that office, and ultimately was the United States Attorney from 1999 through 2001. I then left the government and returned to private practice. I returned to government in 2010 as the United States Attorney for the Eastern District of New York again, and served in that capacity until I was confirmed as the Attorney General in 2015.

Q Thank you. Both of these cases were opened by the FBI at FBI headquarters. That was sort of the office of origin, as opposed to being in a field office. During your tenure as Attorney General, or in any of your other DOJ capacities, were you familiar with other cases being opened and managed at the headquarter level, as opposed to the field?

A When you say both of these cases, are you referring to --

Q Midyear and Crossfire.

A Okay. The email investigation and the Russian related investigations?

Q Yes, ma'am?

A Okay. Thank you. In terms of my -- in my experience, I would have to think it through. I don't find it surprising that counterintelligence matters, such as the Russia investigation would be opened out of headquarters. And with respect to the email investigation, I also don't find it surprising. Thinking back to my experience in the field, because I was a U.S. Attorney with a very strong field office, the New York field office, I worked a lot with them. But also with Main Justice and with FBI headquarters.

I would also say, though, that in my capacity as a United States

Attorney when I was on the Attorney General's Advisory Committee and overseeing a lot of policy between the field and Main Justice, I am aware that a number of cases are opened at FBI headquarters where the main legal component are lawyers at Main Justice.

For example, FCPA cases just by way of example, public corruption cases that are headquartered out of the public integrity section at Main Justice by way of example.

Q Okay. The IG report referenced a sort of an aside and other issues they would get to an excessive number of FBI employees that were in contact with the media, some that had no normal business with the media anyway. Would that concern you as the Attorney General that a component is having unauthorized contact with the media?

A It would concern me as the Attorney General that any of the components were having unauthorized contacts with the media, because when you expand the number of people who are talking to the media you run the risk of not only leaking information, but providing inaccurate information, as well.

Q Several of the people of FBI employees that we have interviewed or were interviewed by the IG or other entities have either left the service of the FBI by choice or were terminated. I am curious, how is the determination made internally at DOJ or a component whether the OPR investigation is done -- like, take an FBI employee, how is it determined if FBI's OPR does it as opposed to either Main Justice or the IG taking it initially, or getting it handed off? It seems we have seen a couple of different models of that.

A Well, speaking generally with respect to the Office of Professional Responsibility, I believe that not only Main Justice, but the law enforcement components of the Department have their own OPR offices, so it would depend on whether one was an employee of the particular component. For example, a DEA employee would have a matter handled by DEA's Office of Professional Responsibility. A lawyer, whether at Main Justice or in the U.S. Attorney's Office would deal with Main Justice's Office of Professional Responsibility.

Q Does the seriousness of the conduct weigh into who gets the first bite at it? Like, if an FBI employee, FBI agent is accused of some misconduct, does the IG or Main Justice get the right to look at it first, and then they delegate down back to FBI if they don't want to take it?

A So with respect to how matters are designated as either being handled by OPR or by the Inspector General, it often depends on how they arise. OPR handles issues of misconduct, and again, I would have to look at the overarching regulations to name everything that they cover, but they look at issues of misconduct, professional misconduct I should say. It could be personal, as well, if it impacts one's ability to do the job as a DOJ employee.

The Office of the Inspector General has a mandate to root out waste, fraud, and abuse, but also review policies. And so if things implicate larger policies and issues, there may be a referral to the Inspector General. That can come from any source. It can come from within the Department, or without the Department, I mean, outside the

Department. But essentially, misconduct on the part of an individual Department of Justice employee is typically handled by the Office of Professional Responsibility. It doesn't preclude the IG looking at the larger policy issues that may have created an environment that led to an issue.

Mr. Baker. Thank you.

BY MR. SOMERS:

Q I would like to show you a document. I don't think -- you said you have never seen the Page-Strzok texts or only read about them in the news media. So I just want to -- I don't think you have ever seen these before, but I wanted to ask you about one of the assertions made in one of the texts.

I checked off the two texts on your copy of it first, and I am going to read it -- I will take out the typos and whatnot that are in there, but it says, "Holy cow, New York Times breaking of Apuzzo. Lynch will accept whatever rec D," I assume meaning Director of the FBI, "and career prosecutors make no political appointee input." That was from Peter Strzok to Lisa Page at 9:34 on July 1.

And then further down the page, I think this is basically the response text to that from Lisa Page back to Strzok. And, "Yeah, it is a real profile in courage since she knows no charges will be brought." And I guess my question is about that last clause. This is a text dated July 1 of 2016. Since she knows no charges will be brought. Did you know on July 1, 2016, that no charges would be brought against Hillary Clinton?

A I certainly knew that it was a consensus, or it seemed to be the view of the team that charges were not developing, but I didn't know as of July 1 that ultimately there would be no charges brought at all. One of the concerns that I always have in any investigation, particularly a long-term investigation like this, is that even if the substantive counts are not able to be made, you may have obstructive behavior, you may have false statements, you may have the like, and so, I had received no indication about how people thought about witnesses or their demeanor or anything like that.

Mr. Somers. Okay. I think that is all we have. I guess that will conclude the interview, and I want to thank you for appearing here today voluntarily, and we appreciate you spending time with us and answering all these questions.

Ms. Lynch. All right. Well, thank you very much.  
Mr. Chairman, again, thank you for your courtesies with the room and all the best to you in your next adventure.

Chairman Goodlatte. Thank you, General Lynch, and same to you, and I hope everyone here has a very merry Christmas and happy holidays.

Ms. Lynch. Thank you, sir. Thank you.

[Whereupon, at 4:33 p.m., the interview was concluded.]